

Subject: Re: Westpoint Harbor Proposed Order No. CDO 2017.04
Date: Thursday, November 16, 2017 at 7:24:24 PM Pacific Standard Time
From: Przemyslaw Karwasiecki
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC

Dear BCDC Enforcement Committee Members,

I was the last member of the public taking a stand at today's Committee Meeting. Unfortunately I had a very difficult time speaking in public, and I was not able to overcome my anxiety and compose more coherent statement in front of the Committee and Public. I am sorry for that, and I hope that it didn't influence the merit of the cause I wanted to convey to the Committee.

In addition to my rhetorical question about so called "Unrestricted" Public Access, I would like to rise one more question, and share one observation related to environmental concerns.

First, again I need to make a disclaimer that I am not an environmental scientist, nor an expert in the field of nature conservation, but I am just applying a common sense here:

Please name a single marina in the Bay Area where water is so clean that you will have no problem if your kid will swim in the water?

It just has happened to my sons several times by accident, and while I don't condone this due to risk of accidental electrocution by stray currents or due to the risk of being run by the boat, I had never felt that they will face any health issues because water being contaminated by sewage, which is so common in most other places.

Westpoint Harbor thanks to it's universal access to pump out installation available from every dock slip, is the cleanest marina in the Bay and most likely in the whole Pacific coast of United States.

I would also like to point to some contradiction, which seems to be shared among all representatives of various environmental organizations present in today meeting:

If the primary goal of such groups is to provide complete isolation and lack of any interactions whatsoever between marina users and various species inhabiting areas in the vicinity of the Westpoint Harbor, why at the same time (they) request unlimited and unrestricted access to areas around marina in the close vicinity to those habitats? Aren't those two goals mutually exclusive?

Finally, to put some closure to my email, I would like to address one more time my personal issue of extreme anxiety I felt while speaking in front of the Committee. I am fully aware that this is my personal issue, but isn't it symptomatic, that the amount of power vested in the Enforcement Committee makes a regular citizen like myself, who is not even a party in the proceedings, feel so overwhelmed by the overwhelming power vested in the Committee?

Last time I felt the same way while I was being interviewed in front of US Citizenship and Immigration Officers during my US Naturalization procedure several years ago.

Thank you again for letting me share my opinions and observations.

Sincerely Yours,
Przemyslaw Karwasiecki
S/V Festina Lente
Proud member of Westpoint Harbor community

On Thu, Nov 16, 2017 at 1:07 AM, Przemyslaw Karwasiecki <karwas@ocean-charters.com> wrote:

Re: Westpoint Harbor Proposed Order No. CDO 2017.04
Attn: Enforcement Committee Members and BCDC Commissioners

I am a sailboat owner (S/V Festina Lente) and I rent a slip D14 in Westpoint Harbor for several years since 2012.

I have sailed my boat to several location in California and Mexico, and visited many marinas in the Bay Area and across California Coast. On several occasions I was chartering or crewing on other boats in many other countries including France, Croatia, BVI, Bahamas, Azores and others.

I am sure that I haven't seen all marinas and sea ports in the world but I have seen quite a few, and from my experience, Westpoint Harbor is the best marina I have ever stayed in.

This is exactly the reason why I had selected it as a home port for my and my family pride, S/V Festina Lente.

Over many years at Westpoint Harbor I have experienced only the best from Mark, Doug and other employees and members there. Mark and Doug are extremely friendly, helpful and accommodating. All my guests who visited my boat over many years I stayed in Westpoint Harbor share exactly the same experience.

Thanks to exemplary management of the marina I, my family, and my guests have never felt more secure in any other marina we had visited. My two little boys (9 and 11 years old now) are very happy to be there, were never afraid to go around marina by themselves, to go ashore to the restroom, to pick up some ice, to go and look at other boats. Unfortunately this is not always the case in other places we visit.

I am not qualified to analyze and make any conclusions about legal matters related to the case, but as a ordinary citizen and boat owner I am simply outraged by the amount of accusations against Mark and Westpoint Harbor.

Is it really so unexpected to be approached by marina crew if one is not known to them and be asked about the reason for the visit?
Is it really so unexpected to have to announce your visit to Harbor Master if you want to go to the docs?

I don't know what "public access" rights are stipulated in original permits for marina construction, but I know that I can use my common sense. I have never seen any other marinas where access to the docks where the boats are berthed would not be controlled in same way.

Sincerely,
Przemysław Karwasiecki
S/V Festina Lente

Subject: Westpoint Harbor proposed order # CDO2017.04
Date: Thursday, November 16, 2017 at 5:14:39 PM Pacific Standard Time
From: ANR
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC

From: [ANR](#)
Sent: Thursday, November 16, 2017 7:35 PM
To: marc.zeppetello@bcdca.gov
Subject: Westpoint Harbor proposed order # CDO2017.04

Dear Committee and BCDC Commissioners,

As a lifelong sailor and a retired CEO of a former Fortune 500 Industrial Company allow me to comment on referenced subject.

As a frequent visitor to California and the Bay Area I have witnessed the construction of Westpoint Harbor from the very beginning and was mightily impressed with it. In my mind only a superb working together between numerous governmental agencies and a visionary (very patient) business man with a daring plan, would be able to realize such a project in an extremely complicated environment. I am sure you can sense my delight when the final product became a World Class Marina (and I have seen a few around the globe), not only for the users of Westpoint Harbor, but to the benefit of many people and organizations in the larger Bay Area.

In fact I have been touting the “working together” to my many international (business)-friends as a prime example of “only in America”!

When I read the recent “objections to the project” however, I hope you will excuse me that the first thing that came to mind was a German saying that goes like “I think I am being kicked by a horse”. I took the time to read the entire litany of objections and answers, and it felt at times as being back in Kindergarten.

I can assure you that if a “production” of objections and apparent fabrications as being discussed, would have hit my desk in my active time in business, it would have rather quickly found the waste basket.

I am also sure however that a majority of reasonable women and men in the Committee and among the Commissioners will prevail and will not pass the opportunity to show the world what can be done when there is the will to work together and be proud of the result.

Sincerely Yours,
Andries Ruijsenaars



Virus-free. www.avast.com

Subject: Westpoint Harbor Public Comment

Date: Thursday, November 16, 2017 at 3:58:26 PM Pacific Standard Time

From: Klein, Adrienne@BCDC

To: ReceptionDesk@BCDC

CC: Gomez, Elsa@BCDC

Priority: High

From: Nick Vicars-Harris <nickvh@msn.com>

Date: Thursday, November 16, 2017 at 9:34 AM

To: "zwasserman@wendel.com" <zwasserman@wendel.com>, "ahalsted@aol.com" <ahalsted@aol.com>, "mark.addiego@ssf.net" <mark.addiego@ssf.net>, "newsha.ajami@gmail.com" <newsha.ajami@gmail.com>, "josharce.bcdc@gmail.com" <josharce.bcdc@gmail.com>, "Richard.M.Bottoms@usace.army.mil" <Richard.M.Bottoms@usace.army.mil>, "brush.jason@epa.gov" <brush.jason@epa.gov>, "tom.butt@intres.com" <tom.butt@intres.com>, "wilma.chan@acgov.org" <wilma.chan@acgov.org>, "chappell_jim@att.net" <chappell_jim@att.net>, "Malia.Cohen@sfgov.org" <Malia.Cohen@sfgov.org>, "dconnolly@marincounty.org" <dconnolly@marincounty.org>, "dave.cortese@bos.sccgov.org" <dave.cortese@bos.sccgov.org>, "pcutter@sanleandro.org" <pcutter@sanleandro.org>, "Eckerle, Jenn@CNRA" <Jenn.Eckerle@resources.ca.gov>, "Finn, Karen@DOF" <Karen.Finn@dof.ca.gov>, "Katerina.Galacatos@usace.army.mil" <Katerina.Galacatos@usace.army.mil>, "melrgilmore@gmail.com" <melrgilmore@gmail.com>, "Gioia, John@Contra Costa" <John.Gioia@bos.cccounty.us>, "district5@bos.cccounty.us" <district5@bos.cccounty.us>, "Susan.Gorin@sonoma-county.org" <Susan.Gorin@sonoma-county.org>, "CGroom@co.sanmateo.ca.us" <CGroom@co.sanmateo.ca.us>, "dhillmer@cityoflarkspur.org" <dhillmer@cityoflarkspur.org>, "Jahns, Claire@CNRA" <Claire.Jahns@resources.ca.gov>, "Jane.Kim@sfgov.org" <Jane.Kim@sfgov.org>, "Lucchesi, Jennifer@SLC" <Jennifer.Lucchesi@slc.ca.gov>, "McElhinney, Dan@DOT" <dan.mcelhinney@dot.ca.gov>, "macmcgrath@comcast.net" <macmcgrath@comcast.net>, "Nelson, Barry" <barry@westernwaterstrategies.com>, "Pemberton, Sheri@SLC" <Sheri.Pemberton@slc.ca.gov>, "Peskin, Aaron@CDSS-Contacts" <aaron.peskin@sfgov.org>, "dpine@co.sanmateo.ca.us" <dpine@co.sanmateo.ca.us>, "Rabbit, David@Sonoma" <david.rabbitt@sonoma-county.org>, "belia.ramos@countyofnapa.org" <belia.ramos@countyofnapa.org>, "sranchod@tesla.com" <sranchod@tesla.com>, "sean@bayareacouncil.org" <sean@bayareacouncil.org>, "Sartipi, Bijan@DOT" <bijan.sartipi@dot.ca.gov>, "greg.scharff@cityofpaloalto.org" <greg.scharff@cityofpaloalto.org>, "ksears@marincounty.org" <ksears@marincounty.org>, "Pat.Showalter@mountainview.gov" <Pat.Showalter@mountainview.gov>, "jimzspering@cs.com" <jimzspering@cs.com>, "jtechel@cityofnapa.org" <jtechel@cityofnapa.org>, "Vasquez, John@SolanoCounty.com" <JMVasquez@SolanoCounty.com>, "brad.wagenknecht@countyofnapa.org" <brad.wagenknecht@countyofnapa.org>, "Ziegler, Sam@epa.gov" <ziegler.sam@epa.gov>, Larry Goldzband <larry.goldzband@bcdc.ca.gov>

Cc: Marc Zeppetello <marc.zeppetello@bcdc.ca.gov>, "ReceptionDesk@BCDC"

<reception@bcdc.ca.gov>, "calreport@kqed.org." <calreport@kqed.org>, "Klein, Adrienne@BCDC" <adrienne.klein@bcdc.ca.gov>

Subject: With the deepest of apologies

To you our commissioners of the BCDC, for emailing you all I do apologize!

In the hope that there remains some fairness and justice in our ever troubling world, I write to ask for your help in looking at the case being brought against what many consider to be the best example of a boat **community** and **Marina** on the bay, Westpoint Harbor. I'm referencing of course this set of arguments from the BCDC

[Westpoint Harbor Proposed Order No. CDO 2017.04](#)

which seem counter intuitive to the interests of those who enjoy the ability to get out and on the water in our wonderful and special bay. I ask myself and many of the friends I have made around this harbor, those who have boats and those who generate income from working with boats, why would the BCDC target this lovely example of how a **Marina** can help us all share and appreciate what we have around us. Do any of you know what the underlying reason/s are for wanting to close this business down? Because in reading the masses of complaints and counter complaints, arguments for and against, it strikes me that this simply needs some sensible arbitration to resolve, some common sense. Outside of funding an honorable set of lawyers, this just appears plain silly, long time process of trying to undo a wonderful project instead of trying to help it succeed.

Im asking you kindly to take a little bit of time from your busy schedules, to help wherever you can find a way to help close out the disagreements in a reasonable constructive timely way, so that we can all move on and stop expending needless energy and tax dollars on a campaign that seems to have taken a very bitter personal turn.

And finally, as you will have noticed from above, I have looped in our friends at KQED in the hope of generating as much visibility for this unfairness as I possibly can on our local California Report.

Yours sincerely,

Nick Vicars-Harris
SV RVH

Subject: Fwd: WestPoint Marina statement by G. Nelson Wolfe
Date: Thursday, November 16, 2017 at 3:26:13 PM Pacific Standard Time
From: gnwceleste@gmail.com
To: ReceptionDesk@BCDC

Begin forwarded message:

From: "gnwceleste@gmail.com" <gnwceleste@gmail.com>
Subject: WestPoint Marina
Date: November 16, 2017 at 12:36:03 PM PST
To: Marc.zeppetello@bcdca.gov

My name is GNW. I was one of the original founding board members and spokesman for Save Our Shores in Santa Cruz in the 70s. In that capacity i was privileged to represent the environmental concerns of Northern Californians regarding offshore oil development and marine preservation. I later worked as a consultant to the Marin Conservation League and the Oceanic Society on Marine resource concerns. Michael Herz founder of San Francisco Baykeeper was close colleague and friend . We were boat partners for many years sharing a love of sailing on SFBay and coastal waters. As a blue water Sailor i have cleared into many marinas over the years on both coasts of our country and other parts of the world . I have seen all manner. I can say without qualification that Westpoint Harbor is the finest and cleanest amongst all in 40years on the water. It is a world class marina a state of the art facility. We have been members of the Westpoint community for 6 years and lived aboard for 5. We love living on the water and feeling the magical marine rhythms of tides, the water and the wildlife.

I have known Mark Sanders to be an exemplary and engaged owner birthing a vision of a recreational portal for those who wish to enjoy the bay and its waters. While it is a business it seems more a labor of love born of a care for all things nautical and the beauty of the marine environment. In these past years I have known him to be a present steward and a man of his word and high moral fibre who cares deeply about the community he has created , the surrounding sloughs and the living Bay.

Private / Public interface is indeed a difficult and delicate balance . Give and take is i think essential around this sensitive and vital perimeter. I know we all have reverence and respect for the Charter , the mission and the important work of BCDC commission and Staff and the great vision of its original founders of Save The Bay.

I have spent the past couple of days reading the Staff recommendations and the Respondents documentation. I am saddened. What a waste of precious time and resources public and private. There are no bad actors in this room there are plenty out there deserving of attention. It seems to me that the regulatory concerns could easily be resolved in mediation and arbitration rather than litigation. I would encourage the commission to seek a different resolution and cease and desist from their present course.

I do feel that is incumbent upon those that dedicate their professional efforts towards the high purposes of environmental protection to approach the stewardship of enforcement efforts with judiciousness and fairness. I know from personal experience how easy it is to personalize and demonize players in matters in the pursuit of environmental stewardship. It is never wise. The Enforcement Directors tone and the extreme penalties being considered are unbecoming of the spirit or the letter

of BCDC mission . I encourage you to recover and recommend to Staff a more conciliatory and professional approach in this matter .

Subject: WEST POINT

Date: Thursday, November 16, 2017 at 1:35:12 PM Pacific Standard Time

From: usmswimmer@aol.com

To: ReceptionDesk@BCDC, westpoint_harbor-subscribe@yahoogroups.com

Please keep our homes (boats) safe!
SIMON WURZEL , SIMPLICTY slip C32.

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04
Date: Thursday, November 16, 2017 at 11:47:22 AM Pacific Standard Time
From: Chamberlain, Greg
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC
Attachments: image001.gif

November 16, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

As a person seasoned in life (yes in 50's) I have learned a few things, one thing my grandfather taught me sticks to this day. I was taught to stand back and look at the entire picture. My grandfather said "look at the whole picture. If it walks like a duck, if it sounds like a duck and if it looks like a duck, son it is a duck." I have done some research and have had slips at different marinas in the bay area. What I see is a business man (Mark) who has worked hard to bring to life a passion and love for boating. What I have heard is a business man (Mark) who works with organizations to reach his goals and follow the regulations of these organizations. It looks like (Mark) is willing to and has acted with integrity and as a respectful businessman. On the other hand I see an organization (BCDC) that does not want to work with everyone equally. I see an organization (BDC) that will not build on peoples passion, they rather tear it down. What I have heard and read is an organization (BCDC) that is not acting with integrity in word and deed. I see an organization (BCDC) that has little concern about safety as noted below.

"BCDC has permitting responsibility to ensure that appropriate and environmentally sound development provides public benefits and economic development for the entire region."

"Throughout its history, BCDC has learned that its most notable successes are produced by coordinating, collaborating, and/or partnering with governments at all levels and with a wide variety of other stakeholders."

I see an organization (BCDC) that does not live up to its own words. The quotes above are from its own web page. So what does the BCDC sound like to you? You will need to decide for yourself.

The words below are from another boat / owner which I agree with and support.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.
- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Greg Chamberlain
Ti'S Harmony
Cell: 408-614-4463

In no way does the words in this email reflect the opinion of PG&E. These are solely my words and feelings.

Subject: With the deepest of apologies

Date: Thursday, November 16, 2017 at 9:33:57 AM Pacific Standard Time

From: Nick Vicars-Harris

To: zwasserman@wendel.com, ahalsted@aol.com, mark.addiego@ssf.net, newsha.ajami@gmail.com, josharce.bcdc@gmail.com, Richard.M.Bottoms@usace.army.mil, brush.jason@epa.gov, tom.butt@intres.com, wilma.chan@acgov.org, chappell_jim@att.net, Malia.Cohen@sfgov.org, dconnolly@marincounty.org, dave.cortese@bos.sccgov.org, pcutter@sanleandro.org, Eckerle, Jenn@CNRA, Finn, Karen@DOF, Katerina.Galacatos@usace.army.mil, melrgilmore@gmail.com, Gioia, John@Contra Costa, district5@bos.cccounty.us, Susan.Gorin@sonoma-county.org, CGroom@co.sanmateo.ca.us, dhillmer@cityoflarkspur.org, Jahns, Claire@CNRA, Jane.Kim@sfgov.org, Lucchesi, Jennifer@SLC, McElhinney, Dan@DOT, macmcgrath@comcast.net, Nelson, Barry @westernwaterstrategies.com, Pemberton, Sheri@SLC, Peskin, Aaron@CDSS-Contacts, dpine@co.sanmateo.ca.us, Rabbit, David@Sonoma, belia.ramos@countyofnapa.org, sranchod@tesla.com, sean@bayareacouncil.org, Sartipi, Bijan@DOT, greg.scharff@cityofpaloalto.org, ksears@marincounty.org, Pat.Showalter@mountainview.gov, jimzspering@cs.com, jtechel@cityofnapa.org, Vasquez, John@SolanoCounty.com, brad.wagenknecht@countyofnapa.org, Ziegler, Sam@epa.gov, Goldzband, Larry@BCDC

CC: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC, calreport@kqed.org., Klein, Adrienne@BCDC

Priority: High

To you our commissioners of the BCDC, for emailing you all I do apologize!

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which seem counter intuitive to the interests of those who enjoy the ability to get out and on the water in our wonderful and special bay. I ask myself and many of the friends I have made around this harbor, those who have boats and those who generate income from working with boats, why would the BCDC target this lovely example of how a **Marina** can help us all share and appreciate what we have around us. Do any of you know what the underlying reason/s are for wanting to close this business down? Because in reading the masses of complaints and counter complaints, arguments for and against, it strikes me that this simply needs some sensible arbitration to resolve, some common sense. Outside of funding an honorable set of lawyers, this just appears plain silly, long time process of trying to undo a wonderful project instead of trying to help it succeed.

Im asking you kindly to take a little bit of time from your busy schedules, to help wherever you can find a way to help close out the disagreements in a reasonable constructive timely way, so that we can all move on and stop expending needless energy and tax dollars on a campaign that seems to have taken a very bitter personal turn.

And finally, as you will have noticed from above, I have looped in our friends at KQED in the hope of generating as much visibility for this unfairness as I possibly can on our local California Report.

Yours sincerely,

Nick Vicars-Harris
SV RVH

Subject: Response to Claims Re: Westpoint Harbor

Date: Thursday, November 16, 2017 at 9:30:12 AM Pacific Standard Time

From: Ana Susi

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Good morning,

It has come to my attention that Westpoint Harbor, my boating community, has been the target of consistently unreasonable accusations and complaints by your organization. This is disturbing on many levels:

1. The issue of security is of vital importance to my family. We have an 8 year-old who spends several nights a month at the marina, who we hope never has to encounter any of the many incidents that our neighbors have had to encounter. Most are incidents that could have been easily avoided if basic, proper security measures were allowed. The Westpoint staff work diligently to maintain a very safe environment for us as much as they can, but from what I now realize, BCDC is only hindering the safety for my family and others.
2. The biggest, most disturbing of aspect of your claims is the intent. In my experience, having worked for the Port of San Diego, I have never seen such an abuse of power aimed to condemn a private business. I doubt anyone would disagree that Mark Sanders and his team at Westpoint have forever improved the landscape of the Bay in Redwood City, and have provided a beautiful, thoroughly planned community for those hoping to safely enjoy and care for our bay.
3. I would be very interested in seeing if other marinas under your supervision have had to endure the same level of excessive scrutiny that Westpoint has.

I ask that BCDC works towards a better future for our Bayfront communities, one that respects the visions of those that have markedly improved the lives of many people and cities. One can hope that this is the intent of BCDC, but hope is not a strategy. I'm very grateful to Mark Sanders for having a strategy, and hope that you consider the impact of your accusations.

Thank you,

Ana Susi
P.O. Box 7049
Redwood City, CA 94063
Boat Name: Neverland

Subject: Fortman Marina

Date: Thursday, November 16, 2017 at 9:15:00 AM Pacific Standard Time

From: Dorsett

To: ReceptionDesk@BCDC

Hi,

I am looking to purchase Fortman Marina in Alameda. I am new to this whole thing and just wanted to talk to someone about the history of the BCDC interaction with Fortman Marina and how we could work together in the future.

Jason Dorsett
+1 760-717-1220

--

To put meaning in one's life may end in madness,
But life without meaning is the torture
Of restlessness and vague desire--
It is a boat longing for the sea and yet afraid.
--Edgar Lee Masters

People say that what we are seeking is a meaning for life.
I don't think this is what we're really seeking.
I think what we're seeking is an experience of being alive.
--Joseph Campbell, The Power of Myth

Subject: RE: Westpoint Harbor

Date: Thursday, November 16, 2017 at 8:36:48 AM Pacific Standard Time

From: Asma Stewart

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Dear Marc,

I'm a proud member of Westpoint Harbor, where my husband and I have had our boat since it opened in October of 2008. I've visited marinas all over the Bay and have enjoyed the excursions but was always happy to bring my boat back to Westpoint Harbor, which without a doubt sets the standard for marinas in the Bay Area.

As an environmentalist, I appreciate the high level of care and sensitivity that has been considered in the building of Westpoint Harbor. I'm proud that the marina's water quality exceeds that of the Bay's and that as a community we do everything we can to live in harmony with our beautiful Bay surroundings from using the extremely convenient and easy to use pump-out capabilities to using sulphate free, organic soaps.

As an entrepreneur, I admire the vision and the determination to bring a marina of Westpoint's calibre into being. We should be encouraging such vision and the mindful development of places that make the Bay even more usable and beautiful. I'm also proud of the economic opportunities that Westpoint Harbor has created in the Peninsula - including providing a place for those who service boats to grow their businesses.

As a US citizen, I'm troubled by the arbitrary and heavy-handed approach of the BCDC. As a taxpayer, I want to understand why the BCDC continues using my tax dollars to come after a marina that the BCDC should be holding up as an example for others. Westpoint Harbor is a tribute to the Bay and one the BCDC should be fostering rather than cynically trying to destroy.

I am now taking a hard look at the BCDC. The broad overreach and abuse of power are reminiscent of an autocracy. As a concerned citizen, I will be doing everything in my power to bring to light your disregard for the law and your extortionary tactics.

Your mission is to:

“protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations.”

Westpoint meets this charter through and through. You should do the same.

Regards,

Asma

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Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Thursday, November 16, 2017 at 8:21:29 AM Pacific Standard Time

From: Mark Wommack

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

November 15, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

I am disturbed by the adversarial tone of this process. I find particularly troubling the idea that the BDCD wasn't able to review required submittals. As an architect, I have worked with staff from a majority of the jurisdictions throughout the Bay Area. Most fulfill their responsibility to process applications diligently and timely, but in a disturbing trend, in an increasing number of cities the approval process has begun to slow to a point of dysfunction. Regardless of whether due to staff turnover, the inability of boards to make decisions or any other reason, the consequences are real and can be economically devastating to the applicants. With authority comes responsibility. The BDCD should carefully reflect on its responsibility for some of the concerns raised in this complaint.

Beyond that, the BDCD should acknowledge that Westpoint Harbor is a shining example of what we should look for in bayside development. The harbor is one of the cleanest and best maintained in the bay. And Westpoint provides access for the public that is greatly needed and well utilized! I am heartened by the number of kayakers and paddle boarders that I see frequenting 101 Surf Sports. We need to support these efforts, not penalize them. If the objective is to improve and preserve the condition of the bay environment, cooperation between the BDCD and facilities such as Westpoint should be the highest priority.

I am also troubled by what I see as inconsistencies in enforcement across the bay. I know of marinas where the docks are falling apart and boats have remained completely sunk in their slip for what's approaching 2 years. And the state of Richardson Bay is unbelievable! The number of "bayfill" illegal liveaboards has swollen to the point where the anchorage is completely filled. The vast majority of these "boats" are unseaworthy and are harming the environment. I counted 3 of them on the rocks of Tiburon after a winter storm the year before last. To the average citizen, it would appear that BDCD has decided that governing actions only apply to those who invest in our bay community. I sincerely hope your actions on this matter demonstrate that this is not the case.

Sincerely,

Mark Wommack
Mistral, Slip B31

Westpoint Harbor.

MARK WOMMACK, ARCHITECT

Director of Architecture

Environmental Innovations in Design

Eco-functional Architecture

EID ARCHITECTS

412 Olive Avenue | Palo Alto | CA | 94306

dir 650.226.8862 | off 650.226.8770

mark@EIDarchitects.com

www.EIDarchitects.com

Melody Rodriguez

Stanford University, Class of 2019

2016-2017 Stanford University Triathlon Team Vice President

531 Lasuen Mall, PO Box 12125, Stanford, CA 94305

melrod96@stanford.edu

San Francisco Bay Conservation and Development Commission (BCDC) Enforcement
Committee

455 Golden Gate Avenue, Suite 10600

San Francisco, CA 94102-7019

Phone: 415.352.3600

Fax: 415.352.3606

13 November 2017

Dear Enforcement Committee Members and BCDC Commissioners:

I am writing regarding Westpoint Harbor Proposed Order No. CDO 2017.04. My name is Melody Rodriguez, and I served as the Vice-President for the Stanford University Triathlon Team (SUTT) for the 2016-17 school year. I am writing this letter on behalf of SUTT to outline the relationship that the team has had with Westpoint Harbor over the past eight years. Each spring, we host an annual "Treeathlon" race that spans two days and involves both collegiate and community races, for adults of all ages and children. This race serves as an important fundraiser for the team and is one of the few draft-

legal races in California, which is significant because draft-legal triathlon is an NCAA Emerging Sport for women and is the format in which elite triathletes compete. We are very grateful that we have the opportunity to host the swim portion of the race in Westpoint Harbor.

We have worked directly with Mark Sanders, of Westpoint Harbor, and with his help have created a great race that involves the community and promotes public appreciation of the natural beauty of the San Francisco Bay. Not only have we learned about Westpoint Harbor's commitment to the community through hosting this race, we have also learned some about Westpoint Harbor's relationship with the environment because our return each year is conditional upon our ability to minimize the impact that our event has on the site. For example, Westpoint Harbor leadership has made it very clear to us that our course may not have racers run over any patches of land that contain native plants, even grass. Additionally, as would be expected, we are required to clean up any trash that accumulates during the race. In order for our race to be sanctioned by USA Triathlon as an official race, we are required to provide results of water testing to ensure that the water is safe for the athletes. We have records going as far back as 2014, which we can submit if necessary, showing that the levels of E.Coli, coliform bacteria, and enterocci are well below the allowed maximum levels. I have heard from team members who collect and submit the samples for testing that it is difficult to find an area in the nearby vicinity available for open-water swimming with better water quality than that at Westpoint Harbor.

We are surprised to hear of the allegations against Mark Sanders and his operation of Westpoint Harbor, and find these allegations to be outside of Mark's character and our relationship with him. In sum, we are grateful to Westpoint Harbor for the support that they have provided to the team at our annual Treeathlon event and have personally not experienced nor heard of any acts committed by Westpoint Harbor employees with malicious intent. However, we would like to emphasize that our observations as a team are not a reflection of the opinions of Stanford University as a whole and are limited only to our interactions with Mark Sanders and the staff of Westpoint Harbor during the coordination of our annual race. Should you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Melody Rodriguez". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Melody Rodriguez
Stanford University, Class of 2019
2016-2017 SUTT Vice President

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Thursday, November 16, 2017 at 1:07:46 AM Pacific Standard Time

From: Przemyslaw Karwasiecki

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

I am a sailboat owner (S/V Festina Lente) and I rent a slip D14 in Westpoint Harbor for several years since 2012.

I have sailed my boat to several location in California and Mexico, and visited many marinas in the Bay Area and across California Coast. On several occasions I was chartering or crewing on other boats in many other countries including France, Croatia, BVI, Bahamas, Azores and others.

I am sure that I haven't seen all marinas and sea ports in the world but I have seen quite a few, and from my experience, Westpoint Harbor is the best marina I have ever stayed in.

This is exactly the reason why I had selected it as a home port for my and my family pride, S/V Festina Lente.

Over many years at Westpoint Harbor I have experienced only the best from Mark, Doug and other employees and members there. Mark and Doug are extremely friendly, helpful and accommodating. All my guests who visited my boat over many years I stayed in Westpoint Harbor share exactly the same experience.

Thanks to exemplary management of the marina I, my family, and my guests have never felt more secure in any other marina we had visited. My two little boys (9 and 11 years old now) are very happy to be there, were never afraid to go around marina by themselves, to go ashore to the restroom, to pick up some ice, to go and look at other boats. Unfortunately this is not always the case in other places we visit.

I am not qualified to analyze and make any conclusions about legal matters related to the case, but as a ordinary citizen and boat owner I am simply outraged by the amount of accusations against Mark and Westpoint Harbor.

Is it really so unexpected to be approached by marina crew if one is not known to them and be asked about the reason for the visit?
Is it really so unexpected to have to announce your visit to Harbor Master if you want to go to the docs?

I don't know what "public access" rights are stipulated in original permits for marina construction, but I know that I can use my common sense. I have never seen any other marinas where access to the docks where the boats are berthed would not be controlled in same way.

Sincerely,
Przemysław Karwasiecki
S/V Festina Lente

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Wednesday, November 15, 2017 at 10:48:27 PM Pacific Standard Time

From: Paulien Ruijsenaars

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Dear Enforcement Committee Members and BCDC Commissioners,

I am a sailor, a fan of nature and water, a proud member of West Point Harbor and a former employee of Pinnacle Systems where Mark Sanders was CEO for many years. Mark was an outstanding CEO and leader, with a passion for employees, building a sustainable business and creating a company with proud teams in all its locations around the globe.

During my time at Pinnacle, I was fortunate to work closely with Mark on many communication programs and activities as his director of Corporate Communications. Mark was continuously asked to speak at industry events and interviewed for article after article. One of my favorite stories was when the alumni association of Golden Gate University reached out to feature Mark in their magazine. This is when I learned about Mark's life long dream – building a world-class marina in the South Bay to help re-invigorate the declining boating community in the area and providing a wonderful destination for citizens of the area as well as visitors to Northern California. I remember Mark talking about the planning, the meetings with all the environmental agencies and government groups including the BCDC to make sure that this new marina was not only the best marina for boaters but that the entire planning and building process was done in the most respectful and thoughtful way. No item was too small for Mark to tend to and his passion for the project, the local community and the environment were and still are tremendous.

Mark is a team builder and a community builder. He has built an entire ecosystem in and around West Point Harbor, creating jobs while setting new standards for water quality in harbors, the use of technology and being very mindful of the natural habitat and landscape around the marina.

When I read about the allegations from the BCDC against West Point Harbor and Mark Sanders, I was shocked. Surely, this must be a mistake. It seems that gross abuse of power by a few people at the BCDC is at play here. From my research, it also seems that this is not the first time an ethical, thriving business has been targeted by the BCDC.

As a proud member of West Point Harbor, a local resident and a concerned citizen of the Bay Area, how many more great organizations will be put at risk before this nonsense is stopped?

While I can only speak for myself, I won't stop here in protecting West Point Harbor and Mark Sanders and to stand up for what is right for the community at large.

Respectfully,

Paulien

Paulien Ruijsenaars

RVH

paulien@ruijsenaars.com

[+1-650-279-8957](tel:+16502798957)

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04,
Date: Wednesday, November 15, 2017 at 8:51:29 PM Pacific Standard Time
From: Michelle Bothof
To: ReceptionDesk@BCDC, Zeppetello, Marc@BCDC
CC: busybrunette@cox.net

To the BCDC Enforcement Committee:

In the matter of Westpoint Harbor Proposed Order No. CDO 2017.04, I am writing to express my support for the Westpoint Harbor (WPH) marina and request that BCDC carefully consider all options to work with the marina to achieve the public access and environmental goals of this privately funded marina.

I have accessed the Bay via the WPH walkways, boat launch, docks, or other facilities at WPH 1529 Seaport Blvd, Redwood City, CA 94063.

It appears that BCDC permit requirements, including those for unbounded public pedestrian access, at WPH were put in place to provide an enforcement trigger rather than to enhance the benefits of the public or environment.

I believe that WPH owners and employees have consistently taken actions to protect and improve the Bay environment, foster and encourage Bay access by pedestrians and boaters alike, protect the personal security and boating safety of boaters in the harbor, and encourage safe boating in the San Francisco Bay.

It greatly concerns me that the BCDC appears to have undertaken a series of arbitrary and capricious actions that simultaneously harm public access to the Bay while purposefully seeking to cause financial harm and undermine the success of a privately owned marina.

Please start the process of working WITH the WPH marina for successful Bay access and conservation rather than trying to shut down the excellent public access and environmental improvements to the Bay at the site of the WPH.

Sincerely,

Michelle & Henk Bothof

Valley Center, CA

BusyBrunette@cox.net

November 15, 2017

Christopher J. Carr
TEL: 4152916208
FAX: 4152916308
chris.carr@bakerbotts.com

VIA E-MAIL (GREG.SCHARFF@CITYOFPALOALTO.ORG; INFO@BCDC.CA.GOV)

The Honorable Greg Scharff
Chair, Enforcement Committee
San Francisco Bay Conservation & Development Commission
455 Golden Gate Ave., Suite 10600
San Francisco, CA 94102

Re: Order of Proceedings and Time Limits; BCDC Enforcement Committee Hearing
on Proposed Cease and Desist and Civil Penalty Order No. CDO 2017.04, Mark
Sanders and Westpoint Harbor, LLC

Dear Chair Scharff:

This firm represents Mark Sanders and Westpoint Harbor, LLC (the “Respondents”) concerning the above-referenced proposed cease and desist and civil penalty order. I write on behalf of Respondents to propose the following order of proceedings and time limits, consistent with the San Francisco Bay Conservation and Development Commission’s (“BCDC’s”) rules, for the hearing that will be held tomorrow, November 16, 2017, at 9:30 a.m.

The hearing has been scheduled for a three-hour period, which is inadequate to cover the 34 allegations asserted in the “Summary of Violations and Proposed Administrative Civil Penalties – Revised on 11/06/2017” table attached as Exhibit C to the Executive Director’s (“ED’s”) Recommended Enforcement Decision. Additionally, significant public interest has been expressed in the form of written public comments submitted to BCDC concerning this matter. It is anticipated that many members of the public may desire to speak at the hearing.

Furthermore, Respondents requested the opportunity to cross-examine 16 individuals, all of whom are “relied on by staff in its violation report.”¹ The ED incorrectly asserts that BCDC’s “regulations governing enforcement hearing procedures allow for cross-examination only ‘of any witnesses whose declaration under penalty of perjury has become part of the enforcement

¹ See Cal. Code Regs. tit. 14, § 11322(b).

record.”² By this letter, Respondents reiterate their request to cross-examine the individuals listed in Respondents’ Statement of Defense.³

Respondents also propose the following order of proceedings and time-limits (assuming the Committee does not provide relief from the noticed 3-hours allotted for the hearing of this matter):

1. BCDC Staff presentation – 1 hour for “full opening”
2. Respondents’ presentation – 1 hour
3. public comment – allow a minimum of 2 minutes per speaker

The time limits set forth above are based on the noticed 3-hearing. Respondents request that the hearing be held for as long as necessary to allow all members of the public a reasonable amount of time to offer comment. It goes without saying that while Respondents recognize that BCDC Staff bears the burdens of production and proof in this proceeding, Respondents request in the interest of fairness that Staff and Respondents be afforded the same amount of time to make their respective presentations to the Committee.

Respectfully,



Christopher J. Carr

CC: Marc Zeppetello, Esq. (marc.zeppetello@bcdca.gov)

² ED’s Recommended Enforcement Decision, Proposed Order No. CDO 2017.04 at 47 (citing Cal. Code Regs. tit. 14, § 11327(g)).

³ Respondents’ Statement of Defense, *In the Matter of: Violation Report/Complaint for the Imposition of Administrative Civil Penalties No. ER2010.013; Mark Sanders and Westpoint Harbor, LLC* at 123-27 (John Bowers; Laurence Frank; Andrea Gaffney; Brian Gaffney; Andrea Gaut; Adrienne Klein; Matt Leddy; Steve McAdams; Brad McCrea; Ellen Miramontes; Ron Powers; Unnamed “Member of the Public” #1; Unnamed “Member of the Public” #2; Unnamed “Member of the Public” #3; Tom Sinclair; and Marc Zeppetello).

November 15, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.

- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically through the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbor masters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for

boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Bri and Kris O'Hare

101 West Point Harbor Dr.

Redwood City, CA 94063

Boat Name: Why Naut Now

Subject: Westpoint Harbor
Date: Wednesday, November 15, 2017 at 7:10:11 PM Pacific Standard Time
From: Lori Rock
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC
Attachments: IMG_8117.JPG, IMG_8117.JPG

RE: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

We have been members of Westpoint Harbor on E dock for the last 8 years. We have watched the improvements made to the docks, and the increasing sense of community spirit among our fellow boat owners & the Harbormaster. Although we are not living aboard, we do try to participate in the events at the Harbor and share in the many activities offered. We are happy that it is one of the most state of the art marinas in the bay area, probably on the west coast. Mark graciously offers the use of the Harbor House for Movie Nights, Birthday and Holiday Parties, makes sure that everyone is welcomed when first entering the Harbor, gives his utmost in continually protecting boaters, the environment and the natural beauty of the area. The staff at the Harbor house are efficient and helpful for all our needs and this is commendable. The professionalism shows and is forefront in running a good safe Harbor.

Safety and Security used to be forefront at the Harbor and we so appreciate that the Harbormaster and the live aboard community who look out for one another . However, with the growing community coming onto the grounds it does take more staff to monitor and keep alert to all the nuances that have been happening in our Harbor. In recent months there have been more boats filling up the slips at the Marina in hopes to make it a really grand marina on the Peninsula. Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. We want to feel safe. Here are some ideas proposed:

- 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers
- 2) installing more security cameras
- 3) locking the dock gates
- 4) controlling access to the restrooms and showers
- 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night

We are willing to help accomplish these goals in any way we can to help protect the people at Westpoint Harbor and keep all safe and secure.

We are the public, entitled to safe access and security to our property. We look forward to hearing back, to know more about your plans and to learn that the harbormasters will be allowed once again, to provide safe and reliable security.

Today I flew in from the southwest, and was seated on the right hand window side of the plane. I took this pic and one can see just how lovely the setting is where the marina lies at the end of Seaport Blvd.



With Kindest Regards,

Lori Rock & Robert Cartwright

“Windy Pah Tahoe”
E Dock Slip 31

1100 Broadway St. #5615
Redwood City, CA 94063

Subject: Westpoint Harbor Proposed Order No. CDO2017.04

Date: Wednesday, November 15, 2017 at 5:29:59 PM Pacific Standard Time

From: Janet.Sailor

To: Zeppetello, Marc@BCDC

CC: RecepPonDesk@bcdcc.ca.gov, ReceptionDesk@BCDC

To the BCDC Enforcement Committee Members and the
BCDC Commissioners,

I am writing to you today to address my concerns regarding a recent "cease and desist" order and penalty issued by BCDC staff against Westpoint Harbor in Redwood City, CA,

In summary, this action seems ill advised and was undoubtedly created in error. The correspondence in evidence shows pretty clearly what seems to be a misguided communication and lack of documentation and consistency of BCDC staff against the permit holder, Mr. Mark Sanders. Many others, writing on his behalf, have brought up rebuttals to issues so I won't belabor them here. I will however take the opportunity to highlight a few points.

The Marina:

As a boater owner for more than 25 years in the Bay Area I have had the opportunity to enjoy the magnificent San Francisco Bay and wetlands from a unique and close proximity. I have had my boat birthed in 5 different Bay Area Marinas and have birthed in Westpoint Harbor pretty soon after it's opening. During my boating years I have had accumulated varied experiences with marine related businesses, marinas, harbor masters, marina owners, waterways, fellow mariners, BCDC and other regulatory

bodies and the public. Many have been positive, unfortunately some have not but like life, it's all a learning experience.

I've been in marinas that had safety concerns over shoddy construction, lack of maintenance, stray electrical current and little policing of harbor rules and lack of security. Many of these were reported but left unaddressed by management. Some of these weren't reported by boaters who feared of retribution of losing their slips in a area of declining availability of slips. They were always there to collect the slip fees and the county the taxes but no one really benefited but the maybe the owner.

With this knowledge, it becomes easy to recognize when a Marina owner such as Mark Sanders has gone out of his way to dedicate himself and his resources to create a ecologically sound and state of the art Marina for the Bay area to utilize. Any true boater would recognize the high standards of workmanship, design and maintenance that has gone into the creation of this project. This marina is one of the best examples of an environmentally friendly, well designed and privately managed marinas on the west coast. The cement docks are high quality and safe. The waste pump out is brilliant, utilities, and other safety equipment are far above standards certainly any other bay area marina. BCDC would be wise to hold this marina up as an example of excellence in compliance with your charter, not penalize it.

Effort to create it:

What might not be so apparent are the hoops Mr. Sanders has had to jump thru, permits and meeting every and all

governmental agencies requirements and money he has had to put out and YEARS of dedication it has taken just to begin to accomplish this dream. He is very deserving of the many accolades he receives and has been awarded by various groups including even a unanimous decision by BCDC to approve this project! By all accounts I have known Mr. Sanders since 2000 and he has always shown himself to be a man of integrity and honor, a steward of the baylands, the wildlife, and the waterways. He is fastidious in his commitment to excellence and very knowledgeable. He is also highly approachable, respectful and cordial. It may be that your staff isn't used to working with such a knowledgeable permittee especially since they seem to know very little about marinas, records retention, timely process and show little regard for private property and public safety in there actions. Lots of employee turnover reveals there must be issues.... Where is the accountability for BCDC to follow it's own rules and standards? This motion, on the face of it, seems to be an entirely vindictive effort perhaps by some BCDC person who has a personal beef or a financial incentive.

From Wasteland to Eco Friendly enjoyable space:

This site was previously a environmentally contaminated lifeless site so how could opening an additional 30 acres of water be worse? I can attest to regularly seeing harbor seals, egrets, herons, pelicans, cormorants, kingfishers not to mention the shore birds like the killdeer, avocets, black necked stilts that roost in the pond next to us. The schools of fish that create what looks like raindrops on the water because they are feeding in the marina and the black crown

night herons, cormorants and pelicans eating them up. There is no doubt - the marina is a healthy and vibrant waterway as evidenced by it's inhabitants. In regards to the creek area, The Aqua Terra project, Friends of Redwood City, Ralph Nobles and now Mark Sanders seem to have had a more positive impact on our waterways than BCDC has over the years. Your organization approved the addition of a 1.5 million square foot high rise office park right there on the edge of the water. The differences in your requirements /enforcement for them compared to the marina clearly shows an apparent bias toward corporations and mega developers, not necessarily whats good for the general public and their access to the bay. Has BCDC fined Sims after the 2 fires they had and all that contaminant they were stockpiling right next to the water burned off? how much wider a walking path needs to be over the norm seems pretty insignificant compared to that to me.

Marina Norms/Private Property:

Serving as Rear Commodore for a local Yacht club our cruise out planning always included arranging for access keys to the docks for our members because every Marina we traveled to had them to protect the boats. How you can even suggest but demand that there not be locking gates to protect the boat owners personal safety and property rights is beyond me. I pay slip fees, I pay taxes, I have a right to feel safe! The Police boat and the Fire department boats are here as well. I think they too should be protected from potential vandals or those up to no good. Why do you want to create an environment that is dangerous for residents? Would you or you wife or daughter take a shower somewhere ANYONE could just walk right in on them 24/7? Other parts of the Bay trail don't even

have outhouses available let alone showers. Walking paths are dawn to dusk, not 24/7. As a path walker at Pacific Shores complex, the one hidden restroom is NOT open at night and frequently not even unlocked on weekend days unless there are baseball games. Are you fining them? Besides being ludicrous, this demand seems total arbitrary. Where is the consistency with other marinas?

From my perspective over the years, BCDC needs to stop it's attacks against responsible recreational boaters by attacking a Marina Owner and embrace the industry as a positive force and as a form of enjoyment for the public they are supposed to be serving. Are there bad boaters? Sure there are a few bad apples in any basket but does one make the bushel bad? No. This is why it is important to have and support a Marina Owner/Operator who actually cares and is competent and will weed any not following/abiding by the rules. Please allow for commonsense safety precautions immediately!

In reading over this case I seriously have to question a state commission's legitimacy to operate in such a haphazard and inconsistent way. It seems that for whatever reason be it staffing or competence, it is entirely inconsistent with its own contract/permit oversight and documentation retention to not continually have to revisit previously resolved issues leaving permittees and residents in a constant state of flux rather than resolving anything.

I implore you to please take responsibility for your staffs current actions or lack of and resolve this in a timely manner. Throw out these unfair fines and get back to a cooperative

relationship based on records, rules, regs and reality for the benefit of all parties.

Respectfully submitted,

Janet Sailor
Westpoint Harbor
Janet.Sailor@yahoo.com

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04
Date: Wednesday, November 15, 2017 at 5:10:08 PM Pacific Standard Time
From: Barbara Pierce
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC
Attachments: BCDC westpoint harbor.pdf

Dear Enforcement Committee Members and BCDC Commissioners,

Please find attached a letter for your hearing on Nov. 15th. If you have any difficulties opening this letter please call my cell.
605 208-9828

Regards,
Barbara Pierce

Subject: Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Wednesday, November 15, 2017 at 4:56:34 PM Pacific Standard Time

From: N.L.Ushman

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

15 November 2017

Dear Enforcement Committee Members and BCDC Commissioners:

My wife and I have been docking our boat at WestPoint Harbor for just over a year. “Our Sabbatical” represents our plans for retirement, and was a significant investment on our part. Previously to coming to WestPoint Harbor, we had sailed out of Emeryville, moored “Our Sabbatical” in Sidney, British Columbia, and visited several marinas in the San Juan Islands.

Emeryville and Van Isle Marina (in British Columbia), were both very nice, but neither could hold a candle to WestPoint Harbor, except for one point. Both marinas (as well as almost all of the other marinas we visited) had security befitting the investments sitting in their slips. You had to “fob” your way onto the docks. We knew that we would find our boat in the same shape that we left her. That is not the case at WestPoint Harbor – anybody can walk down the docks. I am pleased that our boat has not been “tagged”, but it could just be a matter of time.

So, imagine my surprise when I learned that our lack of security is due to BCDC requiring that the docks remain unlocked, especially when BCDC allows (or even encourages) such security measures at other marinas. I hope I never have to find out if there is any liability on BCDC’s part for damages to any of the boats docked at WestPoint Harbor.

Another thing relates to the regional wildlife. There are egrets, herons, and other assorted birds (to say nothing of the occasional sea lion) all around the marina. From what I can see, they own the place; we are just visitors. I know that much of this is due to Mark and the staff’s tireless work to insure this is the case.

The last thing relates to pollution and sanitation. I have been to marinas where there is a sheen on the water from leaking diesel. Before we could secure a slip, Mark literally reviewed our boat to insure that it was not going to do any damage to the Harbor.

At other marinas, you had to go to a pump-out station to empty your head tanks, which could be inconvenient and lead to overfilled tanks. One marina had a boat that came around to empty the tanks, but you had to be around when he did. At WestPoint Harbor, all we have to do is get the hose, connect it to one of the fittings by our slip, and empty our tanks. I tell other sailors about this, and they cannot believe that a marina owner would go to such expense to help ensure that sanitation tanks are kept from overflowing. (But this is not unusual – Mark has gone the extra mile on just about everything relating to the Marina and the surrounding area.)

Westpoint Harbor is a gem, and widely recognized in the Bay Area as one of the most forward-looking marinas, showing that a marina can co-exist with both the community and the area wildlife. It should be encouraged to continue its responsible growth; not punished for it.

In objectively reading the documentation relating to this matter, one could reasonably ask if there is a hidden agenda behind BCDC’s attacks on the Marina. I would hope that I have misread the documentation. But I don’t think I have.

I look forward to seeing that BCDC has (belatedly) done the right thing and work with Mark, not against him. In that situation, everybody will benefit.

Dr. Neal Ushman and Yvette Sarnowski
420 Mission Bay Blvd N 1201
San Francisco, CA 94158

s/v Our Sabbatical

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04
Date: Wednesday, November 15, 2017 at 4:49:42 PM Pacific Standard Time
From: moconnor@dwave.net
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC

Enforcement Committee Members & BCDC Commissioners,

I am writing in support of Westpoint Harbor and in opposition to the BCDC staff's continuing harassment of its owner Mark Sanders. Sanders' imagination and perseverance has transformed a useless salt pond into a thriving business that has energized the Bay and greatly added to the area's economic development. The BCDC's staff's ongoing efforts to derail Westpoint's development seems to have stemmed from a "Not Invented Here" attitude and their actions represent a petty vindictiveness that do them and the agency no credit. Westpoint should be supported and nurtured rather than undermined at every step!

Mike O'Connor

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Wednesday, November 15, 2017 at 4:19:44 PM Pacific Standard Time

From: Lloyd Johnson

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Attention: Enforcement Committee Members and BCDC Commissioners.

I have known Mark Sanders for 7 years. I am a boat owner and have been in boating almost all of my life. I work for Oceanic Yacht sales and a member of South Yacht Club. Oceanic Yacht Sales has an active sales office at West Point Harbor. I believe this harbor is one of the best run facilities I have ever experienced in all of fifty plus years of boating.

In my conversations with Mark Sanders his vision of developing Westpoint Harbor, it has always been extremely evident that he values creating a premier, environmentally friendly, recreational boating facility in the South Bay. Due to his vision Westpoint Harbor includes state of the art "green" pump out facilities at each slip, close control and observation of the boats in the marina to assure their boats don't leak and all posters and information readily visible to educate boaters on the need for clean boating.

It is my opinion that Mark Sanders and Westpoint Harbor marina are examples of what the BCDC should be holding up as a template for responsible use of our bay.

I humbly request that you dismiss these actions against Westpoint Harbor and allow him to get back to work creating a place of "green", environmentally friendly recreational boating.

Sincerely,
Skip Johnson

Lloyd "Skip" Johnson
925-819-1460 Direct
skip.johnson@sbcglobal.net
skip@oceanicyachts.com



Paul Powers
President

100 Saint Paul Street
Denver, CO 80206
303.371.9000
paulscorp.com

November 15, 2017

Marc Zeppetello, Esq.
San Francisco Bay Conservation and Development Commission

Re: Public Hearing November 16, 2017
Westpoint Harbor Proposed Order No. CDO 2017.04

Please include this letter as a part of the hearing.

Our company has entitled, constructed, and sold or leased over 1,000 homes in Redwood City over the past 17 years.

I personally have known Mark Sanders for about 18 years. Mark is a former Naval officer who served our country with distinction and in all of my interactions with Mark and observations, I have found him to be a man of tremendous integrity.

As to Westpoint Harbor, I am not aware of any marina in the state of California that was constructed to the high standards of Westpoint Harbor. As you may know, the holding tank pump out facilities immediately on the docks are rarely found in any marina and as one example demonstrate the Westpoint Harbor's commitment to clean waterways.

I regret that I cannot be at the hearing because I have many positive things to say about Mark Sanders and Westpoint Harbor.

Sincerely,

Paul Powers

4958 Bosworth Court
Newark, California 94560

November 16, 2017

Commissioner Scharf and
Enforcement Committee Members
Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, California 94102-7019



Re: Comment in the matter of BCDC Violation Report/Complaint: Mark Sanders, Westpoint Harbor, LLC (ER2010.013), November 16, 2017

Dear Commissioner Scarf and Members of the Enforcement Committee:

My name is John Bradley. I serve on the Board of Directors for the nonprofit Citizens Committee to Complete the Refuge. Since the early 1980s our organization has fought to preserve the natural resources of our remaining baylands.

As a retired Fish and Wildlife Service Biologist, whose last assignment was with the San Francisco Bay NWR Complex, it is extremely frustrating to observe the permittee's failure to comply with the terms and conditions of the BCDC permit. The BCDC staff spent a great deal of time and effort in reviewing the proposed marina project, including analysis, on-site reconnaissance, meetings with the permittee, consultation with other agencies and public stakeholders—all to ensure that the proposed marina project could be approved by the Commission. By ignoring the conditions of the permit, the permittee has broken its contract with the public agency and failed the public trust.

I want to reiterate the importance of Greco Island to the recovery of the endangered clapper rail (*Ridgway's*) and salt marsh harvest mouse which call this island "home." This undeveloped piece of real estate represents one of the few pristine remnants of the pre-historic San Francisco Bay salt marshes. It is not surprising that it supports one of the largest populations of nesting clapper rails in San Francisco Bay.

As outlined in the USFWS Tidal Marsh Ecosystem Recovery Plan, Greco Island is not only “a critically important refuge for populations of endangered species,” but the island serves as a repository containing “invaluable and irreplaceable information, preserving clues of the origin, development, structure, and composition of natural tidal marsh systems over several thousand years.” We need to rely on this information as a practical benchmark in evaluating the success of our future Bay habitat enhancement and restoration efforts.

In fact, the basis for including certain conditions in the BCDC permit for the Westpoint Marina development was to avoid the harassment of endangered clapper rails and salt marsh harvest mice and the erosion and degradation of their fragile salt marsh habitat that could result from on-going marina operations. If we don't make sure permit conditions to protect these species are implemented throughout the Bay, then they are very likely to go extinct.

After ten years of being out of compliance with permit conditions that are based on recommendations from USFWS, and after failing to heed notifications from BCDC staff, the proposed cease and desist and civil penalty order is definitely warranted.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "JR Bradley".

John R. Bradley, Ph.D.
4958 Bosworth Court
Newark, CA 94560



Sequoia Audubon Society
PO Box 620292
Woodside, CA 94062-0292
<http://www.sequoia-audubon.org>



November 16, 2017

The Hon. Greg Scharff, Chair
Enforcement Committee
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

RE: Cease and Desist and Civil Penalty Order No. CDO 2017.04 -- SUPPORT

Dear Mr. Chairman and Commissioners:

We urge the Committee to approve the Executive Director's recommendation in response to material violations of BCDP Permit No. 2002.002.07 and the McAteer-Petris Act at Westpoint Harbor in Redwood City.

I represent Sequoia Audubon Society, which is the San Mateo County chapter of the National Audubon Society. I comment on behalf of our 1500 members. Our mission is to "protect native birds and other wildlife and their ecosystems in San Mateo County..."

We are concerned that the permit conditions required to protect over 50 species of waterbirds documented to occur around the marina have not been put into place. Impacted habitats utilized by waterbirds include the mudflats that are used for foraging, salt marsh used for foraging and nesting, and the roosting/foraging habitat in the salt pond next to the marina. Of particular concern to us are impacts to the endangered Ridgway's Rail and California Least Tern.

Sequoia Audubon is aware that Violation Report/Complaint #ER2101.013 finds that Westpoint Harbor has violated its permit.

Specifically I wish to highlight three violations:

1. failure to install required signs and buoys to protect listed species and sensitive habitat.

The signage that was required to warn people of the sensitive habitat and restrictions on Greco Island was installed, according to the Respondent, more than 10 years ago and are official USF&W signs saying "Area Beyond this Sign Closed. Public entry is prohibited." I took a walk along the now open public access trail at the Marina this week. One section has a view of the western side

of Greco Island. I saw only one very small sign and it was faded and rusted and unreadable by me without taking a photograph with a long lens. I saw no other signs on that side of the island. The Ridgway's Rail is listed as an endangered species and Greco Island has one of the largest populations of nesting Ridgway's Rails in the Bay. The island is also used by California Least Tern and Western Snowy Plover, listed species

2. failure to provide required visual barrier to adjacent salt ponds.

Despite the fact that there are "Trespassing Forbidden by Law Cargill Salt" signs lining the edge of the adjacent salt pond, it is quite easy to walk right up to the edge despite the assurance that there is adequate setback. There were about 100 Least Sandpipers present the day I was there, but they were on the other side of the pond and could easily have been displaced from the Marina side by the simple act of people walking by or the noise created by people tossing their garbage into the dumpsters positioned right next to the salt pond.

3. failure to provide shorebird roost habitat mitigation

2.3 acres of high quality shorebird habitat as lost when Westpoint Marina was constructed. BCDC's permit requires approximately 3.0 acres of replacement habitat "with similar functions and benefits" for shorebirds. The habitat lost was an elevated island area in a salt pond that accommodated a diversity species because of the area's higher elevations. The Respondent indicates that Cargill took responsibility for creating the upland island but because the pond is "ephemeral" the island is ephemeral too and disappears at high water levels. However, if the island had been built higher this would not be the case; there are lots of examples of "permanent" islands created on ephemeral ponds along San Francisco Bay. This was required under the permit and if it was installed, it certainly doesn't exist today.

Lastly our members are avid birders, and therefore the public access permit requirements for the marina, including pathways along Westpoint Slough, are very important.

We feel the violations at Westpoint Harbor are serious and we support BCDC's proposed enforcement action to ensure that all the public access requirements and wildlife protections are implemented and maintained. We also agree that the proposed administrative civil liability penalties are appropriate given the extensive permit violations.

Sincerely,



Leslie Flint
Chair, Conservation Committee
Sequoia Audubon Society
(650) 619-0836 (cell)

November 14, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples are the following:

- I was awakened from a nap by a couple placing their toddler on my boat, for a photo without being held; then the mother climbed up after. It was a windy day and the child could have easily fallen off into the water and squished between my boat in the dock. It weighs 28K pounds!! I had to confront them and ask them to get off. I could have been sued for the death or dismemberment of that child or adult! If there were gates locked to outsiders, this would have been a non-issue. There is plenty of public space for visitors to enjoy the area. Allowing them to walk on the docks uninvited and at liberty would be like having someone come into your fenced in yard!
- Another time (prior to the marina being open to the public), as I was parking my car at dusk, after 6 pm (when the harbor house is closed), a man came riding up on his bike, stopped behind my car and proceeded to bang his bike on the ground. I stayed in my car and called my husband. He came up to the parking lot and the guy took off on his bike. My husband had to get in his truck to catch up to the guy, who had proceeded to go off the main road and around behind the storage sheds. My husband said, "you aren't allowed to be here unless you own a boat or are a guest, I have to call the police". The guy's exact words were "no, don't call the police, I'm leaving. They can't come because I have a warrant out for my arrest!". Then, he sped off on his bike.
- Michelle O'Healy found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O'Hare, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.

- Holly and Stephen Estrada watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.
- Karen Gitter and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Earlier this month, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically through the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is appalling.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not

understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, I propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the private restrooms and showers (the new public ones at the end can be made available to the public) 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night. There is absolutely NO reason for the public to be at Westpoint in the dark except for using the boat ramp, but we'll have a record of those individuals.

I am willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. I hope that I am wrong, but the BCDC seems to care little for boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. I wonder, why are we being singled out with these irrational demands? The public now knows that they can come onto the property and go onto people's boats without any discourse. This is ludicrous!!

I am part of the public that needs safe access and security to my property that I pay a lot of money to keep at Westpoint. This is my home away from home, a nice neighborhood if you will. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed, once again, to provide reliable security.

Sincerely,

Michelle Fox, BA, RVT

Boat Name: Destiny

650-743-7128

mfox1@stanford.edu

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Wednesday, November 15, 2017 at 1:57:19 PM Pacific Standard Time

From: Medea Bern

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Dear Mr. Zeppetello,

This letter is sent in support of Westpoint Harbor and its principal, Mark Sanders. Mr. Sanders has created a world-class marina with innovative docks and amenities that any boater would love and appreciate. He further envisions a spectacular retail/public space that will benefit local residents and visitors alike for decades to come. The Peninsula sits adjacent to the South Bay, yet opportunities and accessibility for water lovers, from sailors to kayakers to paddle boarders, to enjoy the Bay are constrained at best, or were, until Mr. Sanders undertook rehabilitation of the former Cargill property over twenty years ago.

Personally, I have enjoyed walking the pathways around the harbor and admiring the sun shining on the slough, watching the skittering shorebirds, gazing across the bay at the sun setting on Mt. Diablo. To think that Mr. Sanders has any motive but to benefit the people of our area and those who would long to visit and enjoy a day or longer on the water is to ignore the reality of the substantial time and effort and patience he has expended on creating Westpoint Harbor.

I encourage you to rule in support of people of the Peninsula and in favor of Mr. Sanders and Westpoint Harbor during Thursday's hearing.

Sincerely,

Medea Isphording Bern

medea13@mac.com

415.518.2100

Do you wish to rise? Begin by descending. You plan a tower that will pierce the clouds? Lay first the foundation of humility. -St. Augustine (354-430)

Subject: Comments regarding Westpoint Harbor Proposed Order No. CDO 2017.04
Date: Wednesday, November 15, 2017 at 1:36:57 PM Pacific Standard Time
From: Richard Webber
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC

Enforcement Committee Members and BCDC Commissioners,

I am writing to provide feedback on the Westpoint Harbor Proposed Order No. CDO 2017.04.

I am tenant of Westpoint Harbor and an active bay area boater who supports the environment in multiple ways, including volunteering my boat and time to transport scientists, supplies and equipment to and from the Farallon Islands. I am very disappointed to see the way in which the relationship between the BCDC and Westpoint Harbor has deteriorated to the point that these sanctions are being proposed. In my experience the harbor is exceptionally well run and maintained and represents an overall asset to the area. It appears to me that significant care has been taken to ensure the local environment is protected and enhanced. Features such as providing holding tank pumpout facilities at every boat slip demonstrate the commitment harbor management has made to encourage and support safe and environmentally friendly boating.

From reading the related documents, it appears that many of the alleged infractions are relatively inconsequential in nature. The timing and magnitude of the proposed civil penalty seems gratuitously punitive and unwarranted. I strongly encourage the BCDC to engage in productive dialog with Westpoint Harbor management to resolve their differences. I believe it is time to set aside the prejudice and power struggles that have characterized the last decade, and identify which issues are truly important to the environment. Westpoint Harbor provides much needed boating facilities for south bay residents and should be allowed to continue its mission unimpeded by unreasonably burdensome restrictions.

I appreciate your time in reading this email and urge you to rescind the proposed order, including the penalty and cease and desist order.

Regards

Richard Webber
rjw@poliweb.org
Redwood City, CA

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Wednesday, November 15, 2017 at 1:19:15 PM Pacific Standard Time

From: John Baier

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Dear Sirs,

I have reviewed the above referenced order and am writing in support of Mark Sanders and Westpoint Harbor. I find these allegations against him and the Harbor poorly researched and unreasonable.

With over 40 years in the marine industry, being an active boater my entire life and an environmentally aware sailor and fisherman I applaud Mark Sanders and Westpoint Harbors efforts to create a world class, environmentally compliant, safe and secure facility. I have been in hundreds of marinas throughout the world and have seen very few that rival what Mark has built at Westpoint.

Public access seems to be a recurring theme in this order yet the very presence of the general and sometimes unaware/destructive public at any waterfront marina facility creates concerns and liabilities that the BCDC seems to ignore in their allegations. Tenants and their guests personal safety, security/cleanliness of the properties restroom and storage facilities, damage to the boats or automobiles located at the marina and litter of the area all come with public access. Marinas need to be secure environments and most have locked dock gates and locked restrooms. Westpoint Harbor should be treated no differently.

Various signage is another issue BCDC claims is insufficient at Westpoint. In reality, their demand for over signing/buoying of surrounding navigable waterways with unneeded additional buoys creates safety, maneuverability and environmental concerns for the vessels transiting the area in those shallow and shifting waterways. Running a boat aground in the ecologically sensitive wetlands while avoiding poorly located signage buoys in a channel that is already marked by the Army Core of Engineers could cause not only damage to the boat but expose its occupants to injury. Hitting or possibly becoming entangled in one of these additional buoys will cause similar issues.

I find the contents of this order unreasonable, sometimes purely illogical and on a whole inconsistent with the operational practices and guidelines that other Bay Area marinas enjoy. It appears to me that BCDC is erroneous in many of their claims and should withdraw this order completely.

Sincerely,

John C Baier

Sent from my iPad



**Norcal Crew
1450 Maple St.
Redwood City, CA 94063**

Norcal Crew is a youth 501c3 athletics program dedicated to serving middle school and high school students through the sport of rowing. We spend our mornings and afternoons training and racing in the Port of Redwood City, the surrounding sloughs, and often out into the Bay itself as far as the San Mateo Bridge when the wind is low. Through competitive teams and introductory classes, we introduce nearly 400 teenagers each year to the Bay's waters in human powered craft. Although rowing is often held up as an elitist sport, our program has made it possible for any young athlete from the peninsula region who wants to complete be able to do so regardless of financial means, and we serve athletes from many economic backgrounds from over a dozen different towns and cities surrounding the Bay.

Besides introducing them to a love for the water and the outdoors and the healthy lifestyle of an athlete, our high school teams are nationally competitive and have won four national titles over the past five years. Many of our seniors are recruited to D1 colleges, and offered scholarships. Most of our student athletes will spend over 2,000 hours of their high school careers out on the waters of the southern portion of the Bay.

We have developed substantially in the past several years, and have largely outgrown our current facility which lacks the space and indoor storage and protection for our boats. In our quest for a new home, we approached the Westpoint Harbor, who have enthusiastically embraced our program, and has been working with us to evolve plans for a rowing boathouse as part of the Harbor's development in keeping with the long term vision originally agreed upon by the Harbor, BCDC, and the city of Redwood City.

If allowed to completion, a rowing boathouse at Westpoint Harbor will allow hundreds of middle school and high school athletes to experience the Bay and its waters in a unique and very special way, as well as positively impacting their growth and development daily. We hope that the commission will take this positive community impact into account in their future regulation of Westpoint Harbor, and consider restoring the rowing boathouse to the Harbor's permit.

Sincerely,

Joel Skaliotis

Executive Director
Norcal Crew

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Wednesday, November 15, 2017 at 12:35:00 PM Pacific Standard Time

From: Andrew Gibson

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

November 15, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
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- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

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Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Andrew Gibson

"M/V Dreamweaver"

1085 Tasman Dr Spc 807

Sunnyvale, CA 94089

November 15, 2017

To: BCDC Enforcement Committee Members/Marc Zeppetello

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

This correspondence is written in support of the West Point Harbor Project. I have had an opportunity to visit Westpoint Harbor on many occasions and have found it to be an inviting, fun, safe, environmentally friendly, and secure Marina facility. I have been an active boater and fisherman for my entire adult life and have never seen a more organized and outgoing marine facility.

I retired after thirty-five years as an insurance service professional. I was licensed in disability, life, property and casualty lines of coverage. I find it odd that that BCDC is advocating unsecured public access to any harbor facility! Promoting this kind of "general admission" is irresponsible thinking considering the additional exposure to liability involving both the facility and the general public. This is the kind of thinking that gives all insurers "heartburn" and raises the cost of insurance for everyone.

I would appreciate your reconsideration.

Thank you for your time.

Sincerely,

Jan Breitsprecher

Email: jbreits@charter.net



101 *SURF SPORTS*

Date: November 13th, 2017

To: Enforcement Committee Members and the BCDC Commissioners

Thanks ahead of time for considering our letter of support for Westpoint Harbor. I am one of the partners in 101 Surf Sports that currently operates out of the West Point harbor. Our primary purpose is to get people on the water, and living a healthy lifestyle, that is based on the water sports we love. We have a deep-seated passion for sharing our stoke for being on the water with the growing community we serve. We support the communities of Windsurfing, Paddling (Outrigger, Prone, Surfski, Kayak), Kiteboarding, and Surfing with lessons, tours, rentals, repair, and sales out of 2 locations, both of which are located on the water's edge in San Rafael and at Westpoint Harbor.

With so few options to gain safe access to the water Westpoint Harbor is of vital importance to all who want to enjoy this incredible place we call home. With that said we wanted to add our voice of support for Mark Sanders, and to hopefully articulate our communities need for Westpoint Harbor.

We are of course forever grateful for the decades of work BCDC has done to protect and preserve San Francisco Bay. By encouraging responsible development that maximizes the productive use of the Bay BCDC has literally saved our bay from disappearing. With fill pouring in to the Bay and essentially erasing the shoreline, todays San Francisco Bay would be a starkly different place had the plans of the past developers come to fruition. We cannot say thank you enough.

We sit in a unique position in that, as we mentioned above, we owe our existence, to not only BCDC, but all the agencies that protect the water ways we love so much. In addition, we have had the privilege of working directly with Mark Sanders over the past 18 months in getting our Redwood City business up and running. We have taken the time to read the extensive documentation surrounding the ongoing issues between BCDC and Westpoint Harbor and we are at a bit of a loss as to how the relationship has gone the direction it has. When we read BCDC's mission and purpose, and we compare it with our understanding of what Mark Sanders is trying to do at Westpoint, we see two parties going in the same direction. Mark's desire to see San Francisco Bay, and access to it, preserved for future generations is the only reason he is down here. We have spent countless hours by Marks side as we worked to enhance and support his vision of a world class Marina – likely the last that will ever be built on the peninsula. A Marina that takes every step to treat the environment better than we found it. To see Mark's eyes' light up when he talks about the bio swales he has installed, or the pride he takes in the cleanliness of the harbor waters, or the joy he takes from the smiles of the kids we take out on the water, shows his true colors as a lover of the Bay whose main goal is to share that love long after we are all gone.

We do however have to admit we are unable to follow the procedural complexity of what it takes to make sure development is done responsibly. The amount of documentation, and procedure in this case is overwhelming. Knowing the extensive overlapping mutual goals of the two parties it must be within this layer of process and procedure where the problems lie.



101 *SURF SPORTS*

We know first-hand that Mark Sanders primary objective is a Westpoint Harbor that serves the recreational boating & water sports community while providing the public with a new way to enjoy San Francisco Bay. Simple math shows this is not some developer out to profit from abusing San Francisco Bay, but quite the opposite. A man whose love of San Francisco Bay and his desire to leave behind an asset to our communities is what makes Mark get up in the morning. We know that the money to continue to protect a preserve the Bay must come from somewhere. We strongly believe well managed development is the best way to fund future preservation and restoration efforts and hope that from this meeting forward Westpoint Harbor serves as the model for making that happen.

Our business is one that has made the process of giving back to the community part of our business plan. With our extensive charitable endeavors, frequent water based trash clean ups, and other community driven events we see Westpoint Harbor as one of the best opportunities we will ever have to effect positive change. Westpoint Harbor is a critical platform that we all can all benefit from in our shared goals to restore and protect San Francisco Bay for everyone.

Thanks again for your consideration and again for all you have done to make San Francisco Bay the crown jewel that it is.

David Wells

Partner 101 Surf Sports

dbw 11-17

November 11, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.

- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbor masters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

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boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

I have forwarded this letter to express my concerns that are listed above.

The above letter has most of the concerns we as tenants at WestPoint Harbor agree on.

I feel the outrageous rules that the BCDC is putting on this marina appears to be done to punish the owner and its Tenants. These rules are unreasonable and not the standard of other marinas in California.

Sincerely,

Dwayne Baker & Erin Johnston

Dock - H

Slip - 36

Boat: WE II

November 15, 2017

Bay Conservation & Development Commission
455 Golden Gate Ave
San Francisco, CA 94102



Re: Westpoint Harbor – Violation/Complaint ER2010.013; Proposed Order No. CDO 2017.04

Dear Enforcement Committee Members and the BCDC Commissioners:

I am writing to address the San Francisco Bay Conservation and Development Commission's ("BCDC") allegation in its Violation/Complaint ER2010.013 against Mark Sanders and Westpoint Harbor ("Complaint") that Mr. Sanders had failed to submit to BCDC staff written certification that the contractor reviewed and understood the requirements of the permit and the final BCDC-approved plans, as required by Special Condition II.U of Amendment 6 of Permit 2002.02, which allowed the construction of a boathouse and related facilities.

DES Architects + Engineers worked extensively with BCDC staff over a number of months on Amendment 6, which was finally approved on April 16, 2016. I contacted BCDC staff to discuss the process for final approval of the improvements and to allow for occupancy of the boathouse, in anticipation of construction completion. At that time, staff brought to my attention that the Certification of Contractor Review had not been submitted prior to the commencement of work permitted in Amendment 6. I then immediately sent an email to BCDC staff member Adrienne Klein attaching the executed document, on April 24, 2016.

Please feel free to contact me if you have any further questions with regard to this letter.

Sincerely,

DES Architects + Engineers, Inc.

A handwritten signature in black ink that reads "Dawn Jedkins". The signature is fluid and cursive, with the first name "Dawn" and last name "Jedkins" clearly legible.

Dawn Jedkins
Associate Principal

November 14, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

The statements and details outlined below by our fellow boat owners are true and accurate. Over the years we have had boats at numerous marinas and harbors along the California coastline and have yet to experience a better maintained environment than Westpoint Harbor! However, we have also never experienced a marina or harbor that has become this unsecure and unsafe!!

**Jill Arias and Brett Rolfe
200 Townsend Street, Unit 20
San Francisco, CA 94107
Boat name: Patrick Henry**

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

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friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.

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- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

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Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

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November 14, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

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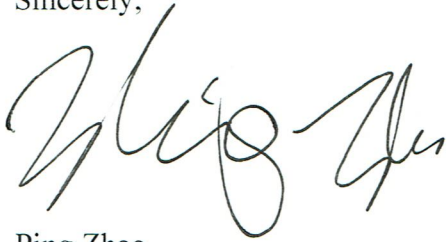
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We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ping Zhao', with a stylized, cursive script.

Ping Zhao

(917) 359 2410

zpzhao@aol.com

November 14, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

We have been boat owners for many years in Hawaii, New Zealand, and California and feel fortunate to currently have a berth at Westpoint Harbor. Of the many marinas in Northern and Southern California that we have been able to experience over the years, Westpoint Harbor is by far one of the best. It is well-maintained, well-managed, and located in a beautiful environment with easy access to Bay Area activities. Over the 8 years that we have been at Westpoint Harbor, we have been able to observe the continued harbor development and, during that process, the staff's close attention to detail and their care for the surrounding environment.

Recent events and actions taken by BCDC raise our concerns with respect to ongoing safety and security. With this letter we are emphasizing the need for increased attention to safety and security at Westpoint Harbor and specifically, questioning BCDC's motivation for the many unreasonable rules and restrictions that are putting our safety at risk. Rules that, in our view, are clearly prejudicial in that they are not, to our knowledge, imposed on other marinas in the San Francisco Bay Area.

Every other Bay Area marina that we have spent time at has locked gates for safety and security and most have locked restroom facilities. We question why Westpoint Harbor is being singled out by BCDC and not allowed to have locked gates or have controlled access to restrooms and shower facilities. BCDC requires that our showers are to be left unlocked 24 hours per day, every day of the week. Harbor participants then have to contend with the resulting vandalism that takes place in the restrooms.

It has come to our attention that with new rules imposed by the BCDC the marina staff will be further hampered in their ability to keep people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of large fines. We do not understand the motivation for this action since our neighbor Pacific Shores Center, which provides entry, to Westpoint Harbor, has the same signs posted without any objections.

Safety and security measures in the harbor are necessary. We know that the marina staff wants to help, but they are continually blocked by the BCDC rules. People are increasingly concerned about their safety. Some liveaboards have family members who leave for work in the early morning hours or arrive home late at night; there are families sleeping on boats at night. We all want to feel secure and safe day or night. To address these issues, Westpoint Harbor must be allowed to implement the same security measures common in other Bay Area marinas, namely:

- 1) Acquire security specifically for the marina at Westpoint Harbor's management discretion. The harbormasters are challenged in their ability to keep up with the number of intruders, vandals, and trespassers and they are only present during business hours.
- 2) Install more security cameras
- 3) Lock the gates that provide access to the docks

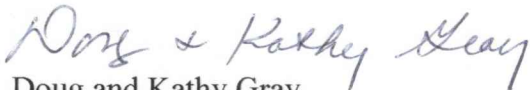
4) Control access to the restrooms and showers

5) Restore signs prohibiting trespassing after sunset and before sunrise

We are willing to help accomplish these and any other measures that would ensure that Westpoint Harbor is a safe and secure environment. We hope that BCDC is willing to work with us and modify its position to enable the same security and safety measures found in most other marinas in the Bay Area and elsewhere in California to be implemented at Westpoint Harbor, rather than continuing the imposition of rules and regulations that put our safety and security at risk. We are members of the general public and have the same rights to personal safe and secure access to our property as anyone else.

We look forward to your response to learn more about your thoughts and plans on this matter. Our hope is to hear that the staff at Westpoint Harbor management will be allowed once again, to provide reliable security in support of a safe marina environment. And further, while this letter has focused on harbor safety and security, we also want to express our concerns about the obvious bias that BCDC appears to have with respect to this particular development. Westpoint Harbor, in our view, is already an excellent model for a marina. If BCDC were really concerned about the public interests they would be doing everything they could to work with Westpoint Harbor management in a cooperative fashion to facilitate the continued harbor development rather than changing previously approved agreements and arbitrarily implementing new rules and restrictions that only serve to hamper ongoing development.

Sincerely,



Doug and Kathy Gray

S/V Summeray, Westpoint Harbor, B Dock

Mail address: 1017 El Camino Real, No. 378, Redwood City, CA 94063

Subject: Support for Westpoint Harbor

Date: Wednesday, November 15, 2017 at 5:56:50 AM Pacific Standard Time

From: Steve and Pat Stanley

To: Mark Sanders, ReceptionDesk@BCDC, Zeppetello, Marc@BCDC

To the BCDC Enforcement Committee:

In the matter of Westpoint Harbor Proposed Order No. CDO 2017.04, we are writing to express our support for the Westpoint Harbor (WPH) marina and request that BCDC carefully consider all options to work with the marina to achieve the public access and environmental goals of this privately funded marina.

We lived at Westpoint Harbor for several years and support what Mark Sanders has done to create a beautiful, clean marina and a lovely community. We are currently cruising on our boat in Mexico, so unfortunately we will not be able to attend the hearing. We have accessed the Bay via the WPH walkways, boat launch, docks, and other facilities at WPH 1529 Seaport Blvd, Redwood City, CA 94063.

It appears that BCDC permit requirements, including those for unbounded public pedestrian access, at WPH were put in place to provide an enforcement trigger rather than to enhance the benefits of the public or environment.

We believe that WPH owners and employees have consistently taken actions to protect and improve the Bay environment, foster and encourage Bay access by pedestrians and boaters alike, protect the personal security and boating safety of boaters in the harbor, and encourage safe boating in the San Francisco Bay.

It greatly concerns us that the BCDC appears to have undertaken a series of arbitrary and capricious actions that simultaneously harm public access to the Bay while purposefully seeking to cause financial harm and undermine the success of a privately owned marina.

Please start the process of working WITH the WPH marina for successful Bay access and conservation rather than trying to shut down the excellent

public access and environmental improvements to the Bay at the site of the WPH.

Sincerely,

Pat and Steve Stanley

2219 Spyglass Lane

El Cerrito, CA 94530

650 817-5665

sailahelani@gmail.com

Subject: Quinlan Letter: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Wednesday, November 15, 2017 at 8:50:44 AM Pacific Standard Time

From: therese quinlan

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

November 13, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

Dear Members,

In 2009, my husband and I drove from our home in San Francisco along the west coast of the bay looking at marinas where we might move our carefully-restored steel sailboat we kept in Brisbane so that I could be closer to work on the mid-peninsula.

We made a day of it, and found various spots to hike among the sloughs, with which we weren't familiar. They were striking, showing a world to be explored. Filled with birds and nature lovers, offering quiet refuge from the busy-ness of the towns and cities.

My passion for hiking goes back to childhood, yet it is in the San Francisco Bay Area where I have explored many trails over the decades. It all started in the East Bay hills back in the 1970s when I arrived in California. I remember when the San Francisco Bay Trail project was first being talked about. I thought at the time- what? How can this be? How can all of these winding gems north, east and south be brought together? I had hiked back then with friends and families climbing out of El Sobrante neighborhoods through pastures where horses grazed up to trails that linked with Wildcat Canyon. The views from up there are breathtaking and you see the bay open up as you climb. The day I learned about the San Francisco Bay Trail idea, I hiked up the El Sobrante hills, and saw the bay unfold before me. It captured my imagination to learn that such a huge endeavor would link all of the beloved trails that so many of us found intriguing. Linking all of us trail lovers from around the bay. Giving us longer stretches that would connect us. Marvelous!

Over the years I would walk paths to see where the trail planners had pushed through to connect. It was exciting to hike and look and see how it was all being rolled out.

That day in 2009 when my husband and I hiked the sloughs, we were truly delighted. We found our way down to Westpoint Harbor. Mark Sanders, the only person in sight - there were few boats there at the time - walked up to us and shook our hand with a warm welcome. We told him of our plans over the next year or two, to move our boat south from Brisbane. And that we needed our restored boat to be in a special place, as she is a steel boat and needs to be in clean water. We quickly saw in him a man who loved the bay and who was trying to create a special place for people. We decided right away, having looked at other places, that this would be the spot. We told him we'd be in

touch in a year or two when we were ready to make our move.

In 2011, we moved the boat to Westpoint Harbor, and over the first months, started exploring by walking around. The beauty opened up to us. The constant interplay of wildlife. It is here one can sit on the side of the slough and watch the pelicans, egrets, herons and all of the smaller birds. The occasional curious seal. Schools of fish swimming by. The loop around the Pacific Shores business park is a favorite – part of the Bay Trail – not only because one can get an almost 2-mile walk for exercise, but also because you encounter different aspects of the sloughs, you watch the movement of the water and the wildlife interacting with the tides, you see other bay hikers and walkers and those who care about fitness.

As time went on, Mark Sanders opened gateways to the water that are so rare in the Bay Area. Now paddle boarders have a place to step onto the bay and enjoy her from an intimate water's viewpoint. My husband paddle boards for exercise and has enjoyed exploring the sloughs and seeing the community of water-lovers grow – where there had been no access before. Paddle boarders, kayakers and kite sailors push off from Westpoint marina all of the time. The bay opens up for them. Not only do we have hikers and walkers connected by the Bay Trail right at hand, we also have water lovers coming and going from the harbor, connecting those who find renewal and delight being close to nature in this way. We often don't know each other, yet we are a connected community.

I write this letter to thank Mark Sanders and to show support for the lovely area he has created for those of us who love the bay. We are hikers, walkers, kayakers, paddle boarders and boaters all. We appreciate the clean waters, the blended beauty of the marina with the sloughs, and the thoughtfulness and respect with which the trails and entry points to the water join, giving us all access to and interplay with our magnificent San Francisco Bay.

And without that thoughtfulness and respect, being the hikers, nature-lovers, bay-enjoyers that we are, we would not be here.

Respectfully,

Terey Quinlan

40 year resident of the San Francisco Bay

415-740-6521

Subject: Case #COO 2017.04 - Westpoint Harbor, Redwood City, CA
Date: Wednesday, November 15, 2017 at 8:22:13 AM Pacific Standard Time
From: Darla Welch
To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

Dear Mr. Zeppetello,

We are writing this email in regards to BCDC Case #COO 2017.04 and would like to share our support for Mark Sanders and the Westpoint Harbor development. We first heard about the project back in 2000 and were absolutely delighted that a new state of the art marina would be built next to the new Pacific Shores business complex. At that time we wrote a letter to the BCDC in full support of the project and how it would fill an important need for the boating community, the environment, increase public awareness and improve visibility of the extraordinary asset called Westpoint Slough and Greco Island.

To be clear Westpoint Harbor is nothing less than a miracle. To take a toxic bittern pond and turn it into a world class marina where boats, people and wild life can thrive is amazing. A project of this nature takes great vision, dedication and financial resources to overcome massive design and engineering challenges not to mention the permit process. Mark Sanders is extremely passionate, committed and focused in making Westpoint Harbor the finest it can be in all respects. Mark has always conducted the business of Westpoint Harbor in the highest ethical manner with greatest respect for the sensitive environment in and around the harbor. This is based on my personal observation, interfaces with Mark and the marina management staff over the last 9 years.

The mission of the BCDC is no less difficult in many ways. After reviewing all posted documents I have come to the conclusion that these issues have a root cause linked to business processes which are not effectively designed to meet the needs of a full scale marina design, engineering and development. I base this on my expertise as a Director of Quality Management and as a Business Process Engineering Consultant. I sincerely believe that the BCDC and Westpoint Harbor have common goals but the processes to allow permit design input, review, configuration control, feedback and approval do not support timely and or effective implementation. These problems are not uncommon and often result in massive frustration between customers and suppliers. Over time, without correction, the problems escalate to the point where lawyers get involved and lawsuits are filed. These results are obviously not beneficial, very costly and certainly prevent further progress towards the original goals. Unfortunately, this is where we are today.

Execution of a "[cease and desist](#) order" and a massive fine will not help or resolve the root cause issues. It will only have additional negative impacts to shared goals and indefinitely delay needed improvements for the boating community and public access. It is critical that safety issues with Westpoint Harbor members and public access be resolved immediately. Having been to many marinas by boat and land I can clearly recommend that non boating public visitors should never be allowed on docks where boats are moored. Their lack of knowledge present a high level of danger, massive liability and potential for serious accidents. A successful public access model will not work until this issue has been clearly defined and implemented. There are many marinas that serve as positive examples in this area. Westpoint Harbor can easily implement this requirement with your help.

Based on these conclusions I am making the following recommendations:

1. Review current processes for permit management. Find opportunities for process simplification, consolidation and elimination.
2. Define a process which meets the needs of the permit holder and supports their goals. Make it clear, effective and time sensitive.
3. Hire resources that can provide you the best technical and engineering expertise for Marina design and

development.

4. Use a realistic and practical approach to requirements. Seek alternate methods and strategies from subject matter experts.

5. Drop the [cease and desist](#) order and associated the massive fine..

6. Build a new relationship with Mark Sanders and Westpoint Harbor. This will be a win for BCDC, Westpoint Harbor and the public.

There are many opportunities for improvement and success here. It is my sincere hope that we can focus on what's to be gained through a new cooperation and collaboration where everyone wins. Let's help Mark finish his dream and make the bay a better place.

Respectfully submitted for your consideration,

Paul and Darla Welch

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Wednesday, November 15, 2017 at 6:05:02 AM Pacific Standard Time

From: Brumfield, Noah

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

To BCDC Commissioners and Enforcement Committee Members:

I visit the Westpoint Harbor marina on a regular basis with my wife and sometimes family and friends. I am concerned that the BCDC is taking action that will impair our continued use of the Westpoint marina and our safety at the marina. As an example, I understand BCDC has taken the extraordinary and unprecedented action in ordering the marina to not lock the docks. Similarly, I understand the restrooms are to be left open. Again, restrooms and showers should be locked – it is incredibly disconcerting to hear of women taking showers only to have someone from the public wander in. I have seen the police take away vagrants squatting on the docked boats and the BCDC cannot with reason create public safety risks. Indeed, I have never been to a marina where safety of boaters and boats is put at risk in this way. I cannot think of another marina, including publicly owned marinas in the SF Bay, that leave their docks unlocked and open to anyone without a key. This BCDC requirement is arbitrary, irrational, smacks of discrimination, and recklessly puts people at risk.

I ask that BCDC reverse its action preventing the Westpoint marina from locking its gates and bathrooms.

Also, I have seen the notice of the BCDC as to a hearing tomorrow (Thursday, Nov. 16) related to alleged violations by the Westpoint marina. Candidly, the notice does not say anything informative and there is no way to understand what the allegations are or why the Westpoint marina is being targeted for action by the BCDC. I am deeply concerned that the BCDC take actions that are not in the public interest – indeed how can the public even know what the BCDC is doing if it does not explain itself.

Regards,

Noah Brumfield
Charis
c/o W&C
3000 El Camino Real
Palo Alto, CA 94306

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PLEASE NOTE: The information contained in this message is privileged and confidential, and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with transmission, please contact sender or call (202) 626-3600. Thank you.

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Subject: Westpoint Harbor Proposed Order No CDO 2017.04

Date: Wednesday, November 15, 2017 at 6:43:10 AM Pacific Standard Time

From: Lowe, Dennis

To: markzeppetello@bcdcc.ca.gov

CC: ReceptionDesk@BCDC

To the BCDC Enforcement Committee:

In the matter of Westpoint Harbor Proposed Order No. CDO 2017.04, I am writing to express my support for the Westpoint Harbor (WPH) marina and request that BCDC carefully consider all options to work with the marina to achieve the public access and environmental goals of this privately funded marina.

I have accessed the Bay via the WPH walkways, boat launch, docks, or other facilities at WPH 1529 Seaport Blvd, Redwood City, CA 94063.

It appears that BCDC permit requirements, including those for unbounded public pedestrian access, at WPH were put in place to provide an enforcement trigger rather than to enhance the benefits of the public or environment.

I believe that WPH owners and employees have consistently taken actions to protect and improve the Bay environment, foster and encourage Bay access by pedestrians and boaters alike, protect the personal security and boating safety of boaters in the harbor, and encourage safe boating in the San Francisco Bay.

It greatly concerns me that the BCDC appears to have undertaken a series of arbitrary and capricious actions that simultaneously harm public access to the Bay while purposefully seeking to cause financial harm and undermine the success of a privately owned marina.

Please start the process of working WITH the WPH marina for successful Bay access and conservation rather than trying to shut down the excellent public access and environmental improvements to the Bay at the site of the WPH.

Sincerely,

Dennis Lowe

1769 Whispering Willow Pl

San Jose, Ca 95125

Cdlowe1769@sbcglobal.net<<mailto:Cdlowe1769@sbcglobal.net>>

Sent from my iPhone

November 14, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.

- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically through the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for

boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Cooper', with a stylized flourish at the end.

Steve Cooper

(650) 575 9650

steve@280first.com

November 13th, 2017

RE: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

To Whom it May Concern,

We have lived aboard our sailboat Hai Yun for over ten years now in marinas in many countries (New Zealand, Australia, Fiji, Canada) and in many places in the U.S. (Hawaii, Alaska, the Bay Area of San Francisco). We arrived at Westpoint Harbor in November of 2015. As a marina, Westpoint Harbor is among the best we have seen. Westpoint is an impressively engineered modern facility with a very friendly staff and a careful clear focus on the environment.

As you take an evening stroll around most marinas, including others in the Bay Area, you alternate between the delicious whiff of barbecued steak, the slightly nauseous whiff of diesel in the water and then the sickening smell of over-full sewage tanks. In Westpoint, you only get the steak.

To take a berth in Westpoint Harbor, the staff will give you a long agreement to sign with many environmental provisions. They will talk you through it and make sure all of your questions are answered. They will make sure you have diesel absorbing materials in your bilge. They will ask you to use "green" soap to wash your boat. Unlike in most marinas, we have never seen diesel in the water here.

One issue that is always difficult for live-a-boards like ourselves is sewage. At what must have been great expense, Mark Sanders has provided a pump-out attachment for every single berth in the marina – we have never seen this before – not only does this make our lives a ton easier it also removes any risk of over-full tanks spilling and polluting the water. In many marinas the water is replaced by tide twice a day. Westpoint has a narrow entrance and so only gradual water replacement. This makes it all the more remarkable how beautifully clean and full of life the water is here. Our sincere admiration to Mark and his staff whose attention has made this possible.

Westpoint is a very friendly, open and welcoming community. On a sunny Sunday, Westpoint will be bustling - familiar boats headed out to enjoy the bay, new boats arriving, fisherman launching from the ramp, kayakers and wake boarders paddling about. Some weekends the triathlon swimmers blast right by the stern of our boat. Early on a weekday morning the rowing teams will be launching their slim fours and eights for training. Our hats are off to Mark Sanders and his crew for creating this jewel on the Bay for all of us in California to enjoy. We would entreat the BCDC Commissioners to reward, not punish, such service to the public.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature, on the left, is 'Jingli Wang' written in a cursive script. The second signature, on the right, is 'Max J. Allen' also in a cursive script.

Jingli Wang and Max J. Allen
Berth G48, sv Hai Yun, Westpoint Harbor
1529 Seaport Blvd., Redwood City, CA, 95304

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

Attn: Enforcement Committee Members
Attn: BCDC Commissioners

Subject: Westpoint Harbor Proposed Order CDO 2017.04

11/14/17

Dear Sir/Madam,

I have been an active boater for fifty years. After college I purchased my first large sailboat and twenty-five years later continue to be avid boater on the San Francisco Bay.

I started selling boats full time as a professional broker seven years ago. I have travelled to over forty marina's up and down the coast, throughout the bay, and into the Delta. I've seen my fair share of aging facilities, poorly maintained marinas and poor management, where the lack of active boaters is evident.

This past year I have had a chance to work on a day to day basis with the Westpoint Harbor Team, under the leadership of Mark Sanders. The facilities, docks and amenities are first class. The marina includes state of the art docks with wireless pump out, professional landscaping, and facilities that are monitored and kept clean on a daily basis. Before the Harbor was built the area was a dumping ground. Now the area is pristine and wildlife is returning as a result.

Mark Sander's leadership as President of the Marine Recreation Association (MRA) is a testament to his ongoing commitment to improving marinas throughout the Western US, Mexico and Australia.

Westpoint Harbor is one of the most impressive harbors I've ever visited.

After reading the BCDC mission statement: *"To protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations"*

I am shocked that Westpoint Harbor is being singled out. Westpoint Harbor is a poster child for following the BCDC mission statement.

Sincerely,

William Hackel

Erik Vaaler

M/V Morpheus
Slip C-22
Westpoint Marina

November 12, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

I now have my boat slipped in Westpoint Marina. Before I moved there I used to live on my boat at Pete's Harbor. Pete's had a lot of what some called "character"; police getting called every few weeks to sort out domestic disputes, at least twice the number of liveaboards than allowed, illegal trailers, and boats leaking fuel, oil and sewage. It was quite a change to move to Westpoint, a well looked after marina full of well looked after boats, and managed and maintained by very competent staff. I was never aware that BCDC ever pressured Pete's Harbor to address any of the huge number of violations there, and instead has gone after Westpoint harbor in an unreasonably aggressive, and in some instances, very petty way. I propose that BCDC try to work more with Westpoint Harbor than exclusively against it.

Sincerely,

Erik Vaaler

vaaler@earthlink.net

November 13, 2017

TO: Marc Zeppetello, Attorney, BCDC
BCDC Enforcement Committee Members and BCDC Commissioners

FROM: Maureen O'Connor Sanders

SUBJECT: Westpoint Harbor Proposed Order CDO 2017.04 Westpoint Harbor, Redwood City, CA

Cc: Gov. Jerry Brown, Lt. Gov. Gavin Newsom, Sen. Dianne Feinstein, Sen. Kamala Harris,
Rep. Jackie Speier, Rep. Jerry Hill

Dear Commissioners;

I am writing to address Violation Report ER 2010.013 and Proposed Order CDO 2017.04 regarding Westpoint Harbor, Redwood City and Mark Sanders. I am Mark Sanders' wife of 30 years. I am not a WPH owner or co-owner. I do not participate in day-to-day operations of the harbor. For 30+ years I have maintained a speech therapy private practice in the mid-peninsula area. As Mark's wife I have been present since the inception/idea of Westpoint Harbor throughout the:

- Permitting process with numerous agencies: Redwood City as lead agency, Div. of Boating and Waterways, Army Corps of Engineers, San Mateo County, Regional Water Quality Control Board, US Coast Guard, Dept. of Fish and Wildlife, NOAA, BCDC, Port of Redwood City and others.
- Site preparation for the project including wicking, excavation and material treatment for this former bittern pond, recycling of materials for uplands development, breaching the levee, and ultimately creation of a marina basin and 26 acres of new Bay surface.
- Phased site construction (Phases 1A, 1B, 2 and 3; phases 1B, 2 and 3 remain incomplete): harbormaster building, boat docks (the last completed in 2016), utilities, parking areas, boat launch (opened 2017), paths and other items.
- Innumerable contacts and communications with BCDC throughout the years since the permit was issued in August 2003. These include letters, emails, documents, discussions and summaries of phone conversations and meetings with BCDC, some of which I attended. Audio recordings and transcriptions of these meetings are very informative.

Based on this history I could literally "write a book" about the creation of Westpoint Harbor and BCDC's role in the process. I shall not do that here but, instead, **pose a number of questions** which I would ask the Appeals Committee and BCDC Commissioners to consider in addressing this violations report. Dare I hope it's not too late for BCDC staff and the Commission to back off from the aggressive stance and destructive measures they have set into motion. My questions...

Why did staff "table" the original permit application developed and agreed upon by Mark with BCDC staff and presented to the Commission in Aug. 2003? Commission members were united in their enthusiastic response with a huge crowd of supporters present. The Then-Executive BCDC Director "pulled" the application document until the next meeting 2 weeks later, saying a few errors needed

correction. The errata sheet anticipated by the commission was in fact a complete permit rewrite, and it was not shared with Mark until the night before the next meeting. The original permit application (only version fully studied by commission) was materially altered. The altered permit included expanded “taking” of elements of the project, re-designation of jurisdictions, and new conditions which were in some case impossible and even illegal. Illustrations presented with the permit had been modified and no longer matched permit language. Mark subsequently learned his architect had been instructed by BCDC staff to modify them WITHOUT HIS KNOWLEDGE. Prior to the meeting a senior BCDC staffer told Mark, Kent Mitchell and me that we must accept the new conditions and sign the permit or staff would withdraw their recommendation to the commission for approval. In the meeting room Then-Executive Director noted that if the altered permit was not signed as is, the entire process would go back to the start. Mark, Mark’s attorney Kent Mitchell and I witnessed these exchanges. The TRAGEDY is that the original permit application contained no errors, omissions, conflicts or misinterpretations, and was replaced by a document that contained more than three dozen significant problems, many of which remain today. Vague terminology and impossible-to-implement conditions in that altered permit led to YEARS of deliberations, negotiations, attempted clarifications and finally allegations of violations.

Why were the several versions of Amendment 5, intended to CLEAR UP the poorly written permit rife with errors and composed with NEW conditions which precluded its execution? From 2011-2014 Mark and the late Doug Aikens, attorney, worked in good faith with BCDC staff to correct permit errors. Sadly, all but two errors were corrected in the last draft of Amendment 5, but then the final document arrived fully executed by staff with NEW conditions which could not be implemented—similar to experience with the original permit. Additionally, staff said fines for all allegations were due from the time the allegation was made until it was shown to be INVALID! Only after the permit was signed and fines were paid, would Mark be given the opportunity to appeal them to the commission. HUNDREDS of hours had been spent revising Amendment 5; Mark and Doug Aiken had fully drafted two versions themselves. Agreement was reached and then “surprise” changes were inserted and required. Of course Mark has been painted as the uncooperative permittee who agreed to sign the amendment and then reneged. The record of the meetings prove otherwise. The TRAGEDY is that trust and respect were lost, staff motives came into question, and it became hard to move forward in a healthy and productive manner.

Why is there a double standard regarding Westpoint Harbor’s requirements and enforcement when Pacific Shores Center next door as well as other waterfront businesses have identical conditions and requirements but not equal enforcement? Westpoint Harbor was required to duplicate the look and feel of the shoreline treatment and landscape palette of Pacific Shores Center (PSC) by CEQA which of course makes sense and looks lovely. This was clear and carried out in accordance with the landscape plan approved in 2006, however a returning BCDC landscape architect decided to redesign the plan. Over a year was spent trying to reconcile her desires with CEQA mitigation measures and other permits in place. How is the identical landscaping apropos for Pacific Shores Center but inappropriate for Westpoint Harbor? Specific trees at Pacific Shores Center had been specified by CEQA measures *to prevent* predator roosting. BCDC ordered the identical trees removed at Westpoint Harbor as *providing* predator roosting. Our landscape architect finally left in protest. Both Pacific Shores Center and Westpoint Harbor require signed public parking spaces. Pacific Shores Center painted the signs on the asphalt, minimizing

raptor roost in accordance with the EIR. Westpoint Harbor did the same yet BCDC staff asserted signs on posts for Westpoint Harbor 9 years later, citing its advisory Sign Guidelines which didn't even exist at the time of the permit approval. The TRAGEDY here has to do with the principle of fairness. It is not fair to apply one standard for one permittee and another for the permittee next door—equally unfair to initially apply one standard and then rescind/revise it—seemingly with no valid rationale other than staff preferences and “after the fact”. One has to wonder about the harassment factor.

Why would any agency choose to impose requirements that endanger the public already accessing and using the shoreline and put them—and their facility—and well-intended visitors—at risk? By “the public already accessing and using the shoreline” I mean boaters for which the marina is intended. The BCDC staff edict that gates onto the docks and tenant restrooms and showers must be left open and unlocked 24 hours a day/7 days a week (rather than sunrise-to-sunset) would be ludicrous were it not so dangerous. It is contra to safety and security measures in virtually all other marinas. This is not only an issue for WPH members but also visitors from the community--encountering unclean and unsafe conditions will DETER, NOT ENCOURAGE public access and enjoyment of the shoreline. A survey of surrounding marinas, including public marinas (Alameda, San Francisco, Oakland) substantiates the need for and use of locked gates, controlled access to restrooms, and reasonable security. Insurers of marinas are adamant on this issue. This TRAGEDY cannot be understated when personal safety is at risk and reasonable precautions are not taken. Certainly quality-of-life and quality-of-experience at such a wonderful water-oriented facility is also relevant.

How can Westpoint Harbor and BCDC find a way forward to ensure that this wonderful facility can be successful as a business, ensure that WPH members receive maximum benefit, make the public access areas of WPH enjoyable for visitors, and ensure the health of the shoreline environment and its inhabitants? I am in no position to tell the Appeals Committee nor the Commission how to do their job or carry out their mission. But something is very wrong when one of the most awarded marinas in the state is the primary target of BCDC enforcement staff. The history of this relationship has been fraught with difficulty and conflict, aggravated by this violations report and threatened enforcement action. Perhaps an outside, independent party who is familiar with recreational boating, admiralty law and marina technology, could without bias independently review and facilitate a fair resolution. Their continuing to facilitate future interactions might be beneficial (oversight function). If the goal is to move forward for the benefit of the public and the shoreline, this is a way. If the goal is otherwise, then this is a moot point. And that, in itself, would be the biggest TRAGEDY of all.

Respectfully submitted,

Maureen O'Connor Sanders

November 14, 2017

BCDC Commissioners
Enforcement Committee Members
c/o Mark Zepetello, Legal Counsel

re: Westpoint Harbor Proposed Order No. CDO2017.04

Esteemed Commissioners and Members,

Quite recently, the matter of Westpoint Harbor's "cease and desist order," imposed by BCDC came to my attention. I've attempted to familiarize myself with BCDC's genesis and its mission, as well as that of Westpoint Harbor's development. The quantity of information is staggering. I confess that I have not been able to assimilate all of it in the short time I have had available to compose this letter.

Admittedly, my interest in Westpoint Harbor is personal. My "significant other" keeps his boat "No Moss" there, and as such, I visit the marina frequently. I recall that the marina permitting, development and construction process was a long one – many years in the making. Prior to its opening for business, the Port of Redwood City and Bair Island Marina were home to "No Moss" and its predecessor.

I'm troubled by BCDC's allegations and claims. I've read a mere 20 pages of Westpoint Harbor's response to the claims – enough to form an impression of the seemingly capricious and arbitrary hurdles over which Mr. Sanders continues to jump in order to conduct business.

From my perspective, Westpoint Harbor exists lightly on the land and water. To someone who didn't know the history, it would appear as though the basin containing the marina was always there. I see fish schooling in the water between the docks, and pelicans and cormorants finding food therein. The landscaping that exists blends with that of the developed Seaport Office area. Decomposed granite pathways provide the boat owners with convenient, yet natural-appearing access to the docks. It is obvious that the property is well-maintained and exhibits pride-of-ownership.

Recently I learned that Westpoint's restroom areas must remain unlocked to the public. Why is it that similar requirements do not apply to Bair Island Marina and of all places, the Municipal Marina in the Port of Redwood City? After all, the latter is a "public" marina. Why is the security of Westpoint Harbor boatowners compromised by requiring public access to the docks, when Bair Island and the Port of Redwood City tenants are given key access?

What is the visual barrier that must be constructed between Westpoint's parking area and the adjacent salt ponds? What is the purpose of that?

Why has the height limit of the proposed fence surrounding the contemplated boat yard changed from six feet to four feet? Why do the rules continue to change? This is like chasing a moving target.

Why is such specified signage required? Who's going to read it? As yet, the marina is not that well-traversed. I'm simply listing some of the issues of which I've become aware.

Let's be honest. The meat of the matter is not in the answers to these questions. It seems to me that the problem is **out-of-control** bureaucracy. The BCDC mission statement reads:

“The San Francisco Bay Conservation and Development Commission protects and enhances San Francisco Bay and encourages the Bay's responsible and productive use for this and future generations.”

Unfortunately, there is no accompanying language that describes “how” the mission is to be accomplished. I tried to access the Strategic Plan on the BCDC website, but it was unavailable.

As a regulatory agency, rather than oppose the Westpoint Harbor development at every turn, the marina owner and its tenants should be regarded as “customers,” and paying customers at that. Mr. Sanders did not invest years of his life and his good money to rape the environment; however, that is how he is being treated.

Surely you can, in good conscience, give Westpoint Harbor's responses to the BCDC allegations your thoughtful consideration and effect a suitable outcome to the endless charade and bureaucratic nightmares that have plagued this development. Although I don't speak for him, I venture to say that Mr. Sanders has sought only to leave the land and water at Westpoint Harbor in an undeniably improved condition from how he found it. It would seem that his efforts have been in keeping with the mission of the BCDC.

Thank you for your consideration.

Sincerely,
(signed)

Paula Cuneo
Retired Deputy Assessor-Clerk-Recorder, San Mateo County and Westpoint Marina
visitor

To whom it may concern:

My husband (Neil Skeggs) and I have had two different boats at Westpoint Harbor during much of the period in question. We arrived in 2010 with a sailboat, then sold that boat and purchased a larger motor boat, which we lived aboard for approximately five years. We have since moved off our boat, but it is still berthed at Westpoint.

Westpoint Harbor has been a labor of love for Mark and is easily the nicest facility on the bay. It also quickly became more than just a marina to us. Mark and his team built a real community at Westpoint and it was an absolute pleasure to be a part of it. In all our time on the water, which spans several marinas in Europe, marinas up and down the east coast, and several on the San Francisco Bay we have truly never enjoyed a marina more.

I can't speak to many of the allegations raised against Mark Sanders or the marina as I have no knowledge to do so. The two primary allegations, as I understand them, that I feel qualified to speak to are as follows:

A . Refusal, since September 2008, to make required access areas available to the public, but instead to actively prevent and discourage public access.

I don't believe, from my personal experience at the marina over a 7 year period, this to be true.

A few examples (I am happy to provide more if helpful):

If there wasn't public access to the marina then why would we see numerous visitors, without a boat at the marina or friends with a boat at the marina, walking and biking through the marina on weekends. Unfortunately, this at times would include walking on the docks where our boat was docked.

If there wasn't public access to the marina then why would kayakers, dragboaters, paddleboarders, etc. be enjoying the waters of Westpoint on a regular basis.

If there wasn't public access to the marina then why would I see groups entering the marina (not for boating purposes), but to take pictures, have a picnic, have their small children ride their bikes in a safe area, and often to just sit on one of the many benches and relax. Unfortunately, this also meant people would visit at times to party in the parking lots and fly their drones overhead.

If there wasn't public access to the marina then why would we see people driving in with trucks filled with waste to leave in the various dumpsters? Or others entering to see what others had left in the dumpsters then cart things away? Unfortunately this would happen and it was hard for the marina staff to regulate because public access was required and provided.

B. Failure to provide required public access improvements , including but not limited to public paths, landscaping, site furniture, signage, public parking spaces, a public boat launch, and public access to guest docks.

I don't believe, from my personal experience at the marina over a 7 year period, this to be true.

A few examples (I am happy to provide more if helpful):

If there wasn't public access to the marina then why did large groups of dragon boaters arrive every weekend (I believe Saturday mornings). This would include 15+ cars and 30+ people that would access the marina property, park in the open parking spots of which there were many, then launch their boats at the public ramp. This happened almost every weekend that I can remember for the past several years.

If there wasn't public access to restrooms then why did I stop using the ladies room because it was always unlocked and I didn't feel safe using it? Or why did I on many early mornings walking our dog see men arriving in their truck cabs to shower in the public restrooms at Westpoint? I specifically am sharing this example to show how this requirement impacted residents in the marina, it certainly wasn't what the marina staff wanted to do, but rather what they were required to do...and did.

If there weren't public paths then what were all those guests I saw walking on? Some paths had restricted access because they were a construction zone, but access was limited for both members of the marina and the public.

If there wasn't public access to the docks then why would boats arrive on the weekends, tie up, picnic, then leave shortly thereafter almost every weekend I was there?

If there wasn't landscaping and seating then what are all the benches, Adirondack chairs, and plantings throughout the marina that make Westpoint so beautiful? I don't believe any of these were designated for just members or the general public – they certainly weren't marked as such.

As it relates to item(s) A and B above, the allegations as I understand them are just blatantly false. More importantly, most of the ongoing harassment from the BCDC caused Mark and the staff at Westpoint to not be 'legally' allowed to utilize some of the basic safety and security provisions found at literally every single marina I have ever visited. Even more importantly, the requirements placed on Mark Sanders and Westpoint Harbor were completely inconsistent with what I know to be how other marinas under the jurisdiction of the BCDC on the San Francisco Bay are allowed to operate. We weren't even afforded locks – limiting access to our dock – which held our boat and all our belongings because of the regulations imposed by the BCDC.

I am not an environmentalist and am not versed on the exact requirements of Mark Sander's or Westpoint's obligations in this area. Having said that, I do want to comment on one other accusation.

E. Failure to comply with the permit's requirements to protect wildlife and sensitive areas.

Mark and his team have, in the entire 7 years we have been at the marina, gone to great lengths to ensure the safety of the Bay and responsible boating. This has always been their top priority and to say anything otherwise is laughable.

I believe several factories, at least one chemical plant, and a commercial port operate literally on the other side of Westpoint Harbor. Commercial ships come in and out of the area in question on a regular basis. Chemical leaks and explosions have occurred, shutting down the road to both the office park and the marina on at least two occasions that I can recall. These are well documented and were on the news so I am sure you are aware of them. Surely, these operations, and the risky nature of them, pose

more of a risk to the local environment than Westpoint Harbor. With a charter 'to protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations' I would have expected some sort of action against these organizations. To the best of my knowledge there hasn't been any. Yet a missing sign or two places the neighboring islands and wildlife in peril?

I believe that several of the allegations, which I am qualified to speak to and are captured above, are blatantly false. I also believe the BCDC is applying different rules at Westpoint Harbor than apply to other marinas on the bay. Finally, if the environment and surrounding islands were a concern surely there would be something done about the commercial boating operations and industries in the area. I am puzzled by all of this and certainly hope this isn't a personal vendetta that's been taken too far. From where I am sitting it certainly feels that way.

My husband and I would be at the hearing this week, but we are traveling in Europe. We would happily make ourselves available if you have any follow-up questions.

Wendy Jones & Neil Skeggs
200 Fawn Park Rd
St Helena, CA 94574
M/V Artemis

November 14, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.

- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically through the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

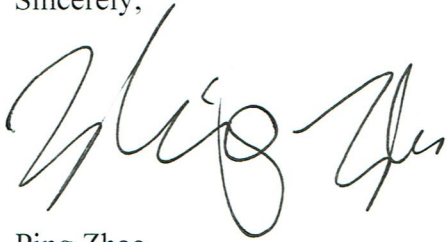
Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for

boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ping Zhao', with a stylized, cursive script.

Ping Zhao

(917) 359 2410

zpzhao@aol.com

Subject: Meeting this week

Date: Tuesday, November 14, 2017 at 12:18:22 PM Pacific Standard Time

From: Kevin Parker

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Dear Mr. Zeppetello,

Yesterday I fitted a security camera to my boat. I have heard of, and directly experienced, many the numerous incidents at Westpoint Harbor (WPH) where unwelcome visitors threatened boaters and damaged boats. So I decided, since you won't act, that I had to take the security of my family, my friends and my property seriously. It is sad that I have to do this.

You are charged with the Public Trust of The Bay, specifically with the "benefit, use and enjoyment of the public" and that you should be "sufficiently flexible to encompass changing public needs." But you do not abide by these tenets. You are obdurate in your opinion despite overwhelming evidence that WPH behaves in an ethically, ecologically and environmental sound manner. Your decisions are arbitrary at best and capricious at worst, singling out WPH for ludicrous conformance requirements that you not impose on any other marina.

I have written to the Governor informing him of your behavior and provided him with details to show that you are no longer behaving in a manner that would make messars Kerr, McLaughlin and Gulick proud. I have asked him to replace BCDC with a truly representative and elected body, with term limits, and to appoint a professional staff that will ensure fair treatment of all those seeking to live, work and recreate by (or on) The Bay. I have encouraged him to appoint an investigative tribunal to oversee your current activities and develop a set of recommendations for a new Bay Management Commission.

Sincerely,

Kevin

Kevin Parker (Captain)

+1-650-224-1691 (Pacific Time)

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Tuesday, November 14, 2017 at 11:59:39 AM Pacific Standard Time

From: Carol Sheetz

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

To the BCDC Enforcement Committee Members and the BCDC Commissioners,

I am writing to you today to address my concerns regarding the cease and desist order issued to Westpoint Harbor and the related penalties. I would like to offer my perspective as someone who has closely followed BCDC's permit process at Westpoint Harbor.

My first visit to Westpoint Harbor was in 2008 soon after it opened for service. There were just 3 boats in the harbor at the time and I met with Mark and his wife, Maureen on their boat Le Soleil to discuss the accounting needs of the harbor. I work as an outside contractor providing accounting services to small businesses. When Mark told me the story of Westpoint Harbor, I couldn't believe that someone would purchase 50 acres of land only to turn half of it into water. But, I could hear the excitement in his voice as he spoke about his dream to build a world class marina for residents around the Bay to enjoy. I left that meeting equally excited and soon started work in a rented trailer close to where the harbor house stands today.

I think everyone can agree that Westpoint Harbor is an ideal solution to what was once unused, polluted land. For me, the harbor offers a beautiful setting to enjoy the Bay through visits with boat owners, a walk along the pathways and most recently the water sports kiosk. I look forward to the day when I can also enjoy the restaurants and shops slotted for this area.

With the progress made over the past nine years I have also witnessed some of the obstacles and setbacks. I have watched Mark successfully work with various agencies throughout this process and have witnessed his willingness to comply with the regulatory requirements on both land and in the water.

However, with the BCDC enforcement committee it has been an entirely different story. From poorly written permits containing errors and conflicts, to lost paperwork and complete unresponsiveness, they have made it next to impossible for Mark to comply with their permits. I have never seen anything like it. At first I thought this is just bureaucracy, but this behavior has been going on for so long that I fear it is something else. I know Mark well, he wants the best for the Bay and is respectful of rules and regulations. In fact he has been doing it successfully for the past 30 years with other agencies. But, he is also outspoken when there are obvious inefficiencies and I know he has expressed his frustrations, on many occasions, in meetings with BCDC.

I recently read an email from staff member, Adrienne Klein to another BCDC staff member that refers to Westpoint Harbor in part as a "big and juicy case". This email was written in 2012, prior to anyone from the enforcement committee visiting the site. My fear was confirmed. This type of language, along with stories I have read about BCDC using coercion and intimidation tactics, leads me to believe that BCDC has targeted Westpoint Harbor and has purposely used delay tactics and penalties as retaliation. I fear that the committee members have turned this into a personal vendetta and I fear that no one is watching over them. This obvious misuse of power is sickening to me and the 27 commissioners are either unaware or are in collusion.

And now a cease and desist order with penalties of more than half a million dollars. As I read through the allegations and subsequent defense statement I can't help but see the ridiculousness of it all. The commission whose mission is to protect and enhance the San Francisco Bay could be responsible for closing a top notch, rule abiding, award winning marina that has added access to the Bay for this and future generations to enjoy.

I implore you to take a step back, look at these allegations without bias or vindictiveness and ask yourself if you might be part of the problem. I ask you to impartially revisit and revise these permits and the associated penalties so that you can work with, not against Westpoint Harbor in completing this project.

Sincerely,

Carol Sheetz
CS Bookkeeping Services
650-303-9036
carol.sheetz@comcast.net

November 14, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

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Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

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boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Cooper', with a stylized flourish at the end.

Steve Cooper

(650) 575 9650

steve@280first.com

November 14, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

The statements and details outlined below by our fellow boat owners are true and accurate. Over the years we have had boats at numerous marinas and harbors along the California coastline and have yet to experience a better maintained environment than Westpoint Harbor! However, we have also never experienced a marina or harbor that has become this unsecure and unsafe!!

**Jill Arias and Brett Rolfe
200 Townsend Street, Unit 20
San Francisco, CA 94107
Boat name: Patrick Henry**

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a

friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.

- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.
- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Subject: Comments re: Westpoint Harbor Proposed Order No. CDO 2017.04
Date: Tuesday, November 14, 2017 at 9:52:31 AM Pacific Standard Time
From: Consultnd
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC

Mr. Zeppetello and BCDC Staff:

The historical interactions of your commission with Westpoint Harbor (i.e., Mark Sanders) appear to be riddled with inaccuracies, inconsistencies, hearsay, and disproportionate penalties. This seems to be your modus operandi more often than not when dealing with bay area marinas. I base this observation on my more than 30 years as a boat owner and marina tenant.

Westpoint Harbor was designed and constructed as a state-of-the-art marina with great attention to detail regarding environmental concerns and quality of facilities/services for its tenants. As the newest marina in the bay area, it is a showcase for "doing it right."

Since the common perception among bay area boaters -- and no doubt, marina operators -- is that BCDC is noted for obstructionist and punitive interactions, I submit that this is the time for you to rebut that perception. I encourage you to abandon your heavy-handed, ill-advised mandates and work cooperatively with Westpoint Harbor.

You should measure your success as a steward of the bay area marine environment by encouraging such development as Westpoint Harbor. To do otherwise does not help your commission's image or foster good relations with the entities and people that you serve.

Sincerely,

Neal Doten
Westpoint Harbor Tenant

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Tuesday, November 14, 2017 at 7:18:20 AM Pacific Standard Time

From: Karen Gitter

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC, ICE - Louis Adamo

November 13, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As boat owners at Westpoint Harbor, my husband and I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. We are writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

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- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by the boat, "Whistlin' Dixie". The men ran away when Michael tried to ask what they were doing.
- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles

on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

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We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Karen Gitter

sail.legacy@gmail.com

Louis Adamo

louis@hi-techaudio.com

Erik Vaaler

M/V Morpheus
Slip C-22
Westpoint Marina

November 12, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

I now have my boat slipped in Westpoint Marina. Before I moved there I used to live on my boat at Pete's Harbor. Pete's had a lot of what some called "character"; police getting called every few weeks to sort out domestic disputes, at least twice the number of liveaboards than allowed, illegal trailers, and boats leaking fuel, oil and sewage. It was quite a change to move to Westpoint, a well looked after marina full of well looked after boats, and managed and maintained by very competent staff. I was never aware that BCDC ever pressured Pete's Harbor to address any of the huge number of violations there, and instead has gone after Westpoint harbor in an unreasonably aggressive, and in some instances, very petty way. I propose that BCDC try to work more with Westpoint Harbor than exclusively against it.

Sincerely,

Erik Vaaler

vaaler@earthlink.net

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Monday, November 13, 2017 at 11:19:53 PM Pacific Standard Time

From: Brad Webb

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

To the BCDC Enforcement Committee:

In the matter of Westpoint Harbor Proposed Order No. CDO 2017.04, I am writing to express my support for the Westpoint Harbor (WPH) marina and request that BCDC carefully consider all options to work with the marina to achieve the public access and environmental goals of this privately funded marina.

I intend relocating my sailing vessels to WPH due to the superior location, layout and operation of the marina at 1529 Seaport Blvd, Redwood City, CA 94063.

It appears that BCDC permit requirements, including those for unbounded public pedestrian access, at WPH were put in place to provide an enforcement trigger rather than to enhance the benefits of the public or environment.

I believe that WPH owners and employees have consistently taken actions to protect and improve the Bay environment, foster and encourage Bay access by pedestrians and boaters alike, protect the personal security and boating safety of boaters in the harbor, and encourage safe boating in the San Francisco Bay.

It greatly concerns me that the BCDC appears to have undertaken a series of arbitrary and capricious actions that simultaneously harm public access to the Bay while purposefully seeking to cause financial harm and undermine the success of a privately owned marina.

Please start the process of working WITH the WPH marina for successful Bay access and conservation rather than trying to shut down the excellent public access and environmental improvements to the Bay at the site of the WPH.

Sincerely,

Brad Webb

ACsailingSF, Inc.

Pier 39, HM14, San Francisco, CA 94133

(415) 990-9992

Subject: Westpoint Harbor Redwood City
Date: Monday, November 13, 2017 at 9:01:09 PM Pacific Standard Time
From: Jeri Borrego
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC

Dear BCDC Legal counsel,

We are new occupants of Westpoint Harbor for approximately six months, we are very satisfied and impressed with how the marina is maintained and how strict the regulations and rules are for the safety of the fellow mariners. The owners obvious concerns of preserving the bay waters are covered in detail in our welcome rules and regulations contract and strictly enforced.

We are seasoned boaters, and spent 15 years docked in a marina in the north bay. We are proud to be occupants of the Westpoint Marina, and are very impressed with the professionalism and conduct in which the marina operates. We are so impressed with the management and how immaculate the marina is managed, that we have applied to be liveaboards. We feel a great sense of community here and very much feel welcomed by other boaters. We have enjoyed the Bay Area waterways for over 30 years with our families. We are both full time employees and taxpayers. Fewer and fewer Bay Area Marinas are available to people who love to boat and enjoy the bay. It is important to us to protect our waterways. Upon meeting Mr. Sanders on multiple occasions, his persona and vision for the Marina and the fellow boaters, is one of integrity and of good intentions for the community. Living at the marina would be a privilage and a enjoyable lifestyle.

Luis and Jeri
Blg Lou II
Jeri.borrego@yahoo.com

November 13th, 2017

RE: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

To Whom it May Concern,

We have lived aboard our sailboat Hai Yun for over ten years now in marinas in many countries (New Zealand, Australia, Fiji, Canada) and in many places in the U.S. (Hawaii, Alaska, the Bay Area of San Francisco). We arrived at Westpoint Harbor in November of 2015. As a marina, Westpoint Harbor is among the best we have seen. Westpoint is an impressively engineered modern facility with a very friendly staff and a careful clear focus on the environment.

As you take an evening stroll around most marinas, including others in the Bay Area, you alternate between the delicious whiff of barbecued steak, the slightly nauseous whiff of diesel in the water and then the sickening smell of over-full sewage tanks. In Westpoint, you only get the steak.

To take a berth in Westpoint Harbor, the staff will give you a long agreement to sign with many environmental provisions. They will talk you through it and make sure all of your questions are answered. They will make sure you have diesel absorbing materials in your bilge. They will ask you to use "green" soap to wash your boat. Unlike in most marinas, we have never seen diesel in the water here.

One issue that is always difficult for live-a-boards like ourselves is sewage. At what must have been great expense, Mark Sanders has provided a pump-out attachment for every single berth in the marina – we have never seen this before – not only does this make our lives a ton easier it also removes any risk of over-full tanks spilling and polluting the water. In many marinas the water is replaced by tide twice a day. Westpoint has a narrow entrance and so only gradual water replacement. This makes it all the more remarkable how beautifully clean and full of life the water is here. Our sincere admiration to Mark and his staff whose attention has made this possible.

Westpoint is a very friendly, open and welcoming community. On a sunny Sunday, Westpoint will be bustling - familiar boats headed out to enjoy the bay, new boats arriving, fisherman launching from the ramp, kayakers and wake boarders paddling about. Some weekends the triathlon swimmers blast right by the stern of our boat. Early on a weekday morning the rowing teams will be launching their slim fours and eights for training. Our hats are off to Mark Sanders and his crew for creating this jewel on the Bay for all of us in California to enjoy. We would entreat the BCDC Commissioners to reward, not punish, such service to the public.

Sincerely,



Jingli Wang and Max J. Allen
Berth G48, sv Hai Yun, Westpoint Harbor
1529 Seaport Blvd., Redwood City, CA, 95304

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Monday, November 13, 2017 at 5:32:02 PM Pacific Standard Time

From: Michael Webb

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.
- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish

when we're out in the morning.

- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Michael Webb

S/V Beluga

1422 Bobwhite Ave

Sunnyvale, CA 94087

Subject: Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Monday, November 13, 2017 at 5:03:30 PM Pacific Standard Time

From: Boris Polman

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

November 13, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

My wife and I are boat owners at Westpoint Harbor. We can attest that Westpoint Harbor has been an outstanding steward for the marine environment and the local community. Westpoint Harbor has developed, and maintains a clean, well-equipped, aesthetically pleasing, and orderly harbor that has been responsive to both it's boaters and the local community.

Westpoint Harbor supports our first-responders in their important activities. Westpoint Harbor provides spaces for both the Redwood City Fire and for Redwood City Police rescue boats. Other first-responder activities occur regularly in the harbor.

Westpoint Harbor supports local sporting events which need a secure location for open-water swimming events. These types of activities are in addition to a local regatta and the paddleboard and kayak activities they have allowed to be available in the area for all of the community to take advantage of.

Westpoint Harbor provides its boat owners a very modern well equipped and well maintained marina with functioning/maintained pumpouts along each gangway, modern electrical systems and various internet connectivity options. It provides the boat owners social activities such as movie nights and facilities in the club house. Westpoint Harbor does all of this while charging reasonable slip-fees which encourages more of the community to enjoy responsible boating and the bay.

The need to provide security for both the boaters and this well maintained marina is both obvious and necessary. Just as homeowners and businesses take reasonable measures to secure, maintain and improve their local areas, so do the boat owners at Westpoint Harbor.

Westpoint harbor takes great pride in maintaining and upgrading the marina. Westpoint uses various and reasonable means to maintain a safe and clean Marina/harbor. Westpoint marina enforces its strict rules with all boaters to insure that all it's boaters comply to with all rules to ensure compliance with Coast Guard regulations, the safety of other boaters, and especially the cleanliness and protection of the marine environment.

In our opinion, Westpoint marina's use of signage, locks and limiting access to certain areas are all reasonable to reduce vandalism, pilfering/theft, and maintain neighborhood and business security, just as any neighborhood, homeowner, or business should be able to do. In our opinion, not allowing Westpoint harbor to maintain reasonable security for the area is actually a detriment to the marine environment, and is hard for any reasonable person to understand. Added security actually protects the bay and the community in the area.

We respectfully request the BCDC to thoughtfully and without prejudice reassess it's approach to this community, which quite frankly, only enhances protection of the bay. Respectfully, in our opinion, BCDC's actions will lead to the opposite effect - to provide less security for the marine environment and bay, and the citizens of the area.

Respectfully submitted,

Boris Polman MD

S/V Blacktie

1529 Seaport, Slip B-24

Redwood City, CA

94063

November 11, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

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- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.

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- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbor masters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for

boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

I have forwarded this letter to express my concerns that are listed above.

The above letter has most of the concerns we as tenants at WestPoint Harbor agree on.

I feel the outrageous rules that the BCDC is putting on this marina appears to be done to punish the owner and its Tenants. These rules are unreasonable and not the standard of other marinas in California.

Sincerely,

Dwayne Baker & Erin Johnston

Dock - H

Slip - 36

Boat: WE II

From: Whit Newton

Date: Tuesday, November 14, 2017 at 1:13 PM

To: Marc Zeppetello <marc.zeppetello@bcdcc.ca.gov>

Subject: Westpoint Harbor

Dear Sir,

I have been aware of WPH since 2013. I have been in and out of this harbor with my boat since then.

I have been involved in the boating industry for 57 years. I believe that the other letters that have been sent to your organization pretty much explain the situation and feelings of the boating public. I have had to work with government agencies in many countries and as a result have had opportunity to observe both sides of many issues and the individuals involved.

The only thing that I would like to add is my observation of Mark Sanders. I have met very few people over the years that take their concern for the environment as seriously as Mark. I believe that he would sacrifice his own well being before he would do anything to harm the environment.

Whitney Newton
1269 Hoover st
Menlo Park

November 13, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members, Mr. Zeppetello and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.

- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.

- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.

- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.

- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.

- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.

- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.

- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!

- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.

- We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.

- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

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Sincerely,

Michael & Ellen Dougherty

From: justin rice

Reply-To: justin rice

Date: Sunday, November 12, 2017 at 6:22 PM

To: Marc Zeppetello <marc.zeppetello@bcd.ca.gov>

Subject: Hoping to come to Westpoint Harbor Maina, one day.

To the BCDC Enforcement Committee:

In the matter of Westpoint Harbor Proposed Order No. CDO 2017.04, I am writing to express my support for the Westpoint Harbor (WPH)

Justin Rice

12 Comlumbine Ave

West Lakes Shore

Australia

On 11/12/17, 11:41 AM, "Ed Nyhan" wrote:

After sending a message yesterday in Support of West Point Harbor I remembered something I would like to include.

Clipper Yacht Harbor was historically open to the public. A few years back it was closed to the public during off hours and had gates installed to stop traffic from entering.

They also closed the launch ramp that had been open to the public though the years for a fee of \$10 to \$20 dollars. They installed a metal cable to block access except for their dry storage customers or those willing to pay over a \$1,000 dollars a year for limited day launching.

I would also like to add that they have locked bathroom/shower facilities for their renters.

Sent from my iPhone

On 11/11/17, 3:49 PM, "[Ed Nyhan](#)" wrote:

I have my boat in Dry Storage at the Marina and feel there is no justifiable reason not to allow restricted access during off hours. Marinas around the bay have limit hours and locked gates.

The San Mateo Harbor District operates two Marinas that have locked dock gates and have security via Harbor Patrol. They also have locked Restrooms for security and to prevent vandalism.

I'm having difficulty in understanding why BCDC would create roadblocks to a development that is being developed to be a first class marina.

Ed Nyhan

467 Granada Drive SSF, ca

Sent from my iPhone

From: jim s

Date: Tuesday, November 14, 2017 at 1:28 PM

To: Doug Furman <doug@westpointharbor.com>, harbormaster
<harbormaster@westpointharbor.com>, Marc Zeppetello <marc.zeppetello@bcdca.gov>

Subject: Re: Save Westpoint Harbor - Note from Karen Gitter

From: Doug Furman <doug@westpointharbor.com>

Sent: Saturday, November 11, 2017 9:44 AM

To: harbormaster

Subject: Save Westpoint Harbor - Note from Karen Gitter

Hello Westpoint Harbor Neighbors:

In the interest of helping to defend our wonderful marina and to help Mark finish the project, I urge you to submit your comments to the BCDC Enforcement Committee and Commissioners. A few of your fellow Westpoint Harbor members, have put together the attached letter addressing some security concerns, one of the many topics in the BCDC complaint against Mark. Please feel free to submit it as your own, to add your own comments, or to write your own letter.

Whichever you choose, please

- send it ASAP since the hearing is Thursday 11/16/17
- include your name, address, and boat name in the signature
- Email it to BCDC legal counsel, marc.zeppetello@bcdca.gov
- cc: info@bcdca.gov
- bcc: mark@westpointharbor.com, doug@westpointharbor.com

It is important to email because, by law, they must post the emails on their website as part of the public record.

Please feel free to call or email me if you have any questions about the letter.

Karen

Karen Gitter

"Legacy"

(415) 572-0891

November 11, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe.

And they are making many of us feel very unsafe. Some examples include:

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- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
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- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
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- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

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We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,
James Sherman
Antares
2261 Market Street
San Francisco CA 94114

From: "charity

Date: Tuesday, November 14, 2017 at 1:25 PM

To: Doug Furman <doug@westpointharbor.com>, harbormaster
<harbormaster@westpointharbor.com>, Marc Zeppetello <marc.zeppetello@bcdca.gov>,
"mark@westpointharbor.com" <mark@westpointharbor.com>

Subject: Re: Save Westpoint Harbor - Note from Karen Gitter

From: Doug Furman <doug@westpointharbor.com>

Sent: Saturday, November 11, 2017 9:44 AM

To: harbormaster

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Karen

Karen Gitter

"Legacy"

(415) 572-0891

November 11, 2017

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Sincerely,

CHARITY SHERMAN

2261 MARKET STREET

SAN FRANCISCO CA 94114

ANTARES

Subject: Case #CDO 2017.04 - Westpoint Harbor, Redwood City, CA
Date: Monday, November 13, 2017 at 3:26:18 PM Pacific Standard Time
From: Arron Pellarin
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC, mark@westpointharbor.com, doug@westpointharbor.com

Dear Mr. Zeppetello

I am emailing you regarding the BCDC's actions against Westpoint Harbor, in Redwood City, CA. I currently dock my boat at this harbor and was one of the original boats to do so. As a lifelong residence of Redwood City, I have had the pleasure of watching this previously environmentally contaminated lifeless site, be turned into a vibrant marine environment. This change has taken 20 years and is due to the hard work of the owner Mark Sanders along with the thoughtful review of many governmental agencies. I fully support regulations which protect our marine environment along with protecting our individual rights to share this environment with our wild life friends. While I do understand most of the positions of the BCDC, I feel there are some real misunderstandings of the actual situation of Westpoint Harbor.

Westpoint Harbor, like all recreational harbors, must abide by the rules and regulations of many, many governmental bodies. Sometimes these rules do not line up with each other and in many cases conflict with each other. After a thoughtful review of all public documents in the BCDC case, it is apparent to me that the ownership of this harbor has done everything in their power and more, to comply with all governing agencies. The demands of the BCDC do not take into account the needs of the tenants, who use this harbor on a regularly bases. In fact, they puts us in real physical danger. Having been in the harbor since its creation, I can personally testify to the effort the ownership has put into keeping the marine environment heathy and full of life. When I first got to the harbor there was very little wild life, today it is teaming with multiple marine animals. The pelicans, harbor seals, bait fish, predator fish and numerus species of birds have all return to this site in abundance.

Mr. Zeppetello, I respectfully request that the BCDC re-think their stringent demands on this harbor and work with the ownership to come up with a list of BCDC requirements that are reasonably necessary and respect the needs of all the parties involved. I am confident that the BCDC is capable of protecting our marine environment and the rights of citizens, while not inflicting undue hardships on the owners or users of this harbor.

Thank You For The Time You Are Committing To This Matter,
Arron Pellarin

Arron Pellarin

Pellarin Offices
1520 Main Street
Redwood City, CA 94063
650.369.6746
www.pellarin.com

IMPORTANT WARNING: This message is intended for the use of the person or entity to which it is addressed and contains information that is privileged and confidential, the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED.
If you have received this message in error, please notify us immediately by calling (650) 369-6746 and erase the related message.
Thank You.

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Monday, November 13, 2017 at 3:19:28 PM Pacific Standard Time

From: Louis Adamo

To: ReceptionDesk@BCDC, Zeppetello, Marc@BCDC

CC: ICE - Karen Gitter

November 12, 2017

Attn: Enforcement Committee Members and BCDC Commissioners

I am writing in response to BCDC's Violation Report ER2010.013 which purports to paint a picture of Mark Sander's Westpoint Harbor as an evil, private development that must be stopped because it fails to serve the public interest in such horrible fashion. This is simply an inaccurate portrayal.

My wife and I have lived aboard a sailboat in the San Francisco Bay Area for than 23 of the last 27 years, and she, for six years before that. We endeavor to care for the bay as if it were our front yard, because, in effect, it is our front yard. In that time, we have indeed seen benefits from the efforts of many groups, BCDC included, in cleaning up the bay and developing greater public access to enjoy this wonderful place. However, in this particular case against Westpoint, the BCDC's efforts seem misguided and serving of some other interest.

In our decades of boating experience, we have spent time in many marina's all over the entire bay area as well as in San Diego, Seattle, Connecticut, and the US Virgin Islands. We cannot recall a single marina that we have visited that better serves the boating community, the general public, and the surrounding environment than would Mark's plan for Westpoint Harbor. Whether you focus on details like pump out access from every slip, a launch dock specifically designed for kayak's and SUP's, the awards for marina with cleanest water, or the community spirit among the boat owners in the harbor, it is clear that the design for Westpoint Harbor is focused in a positive direction. Too many of the marinas in the bay area seem to be built for the condo or office park photo brochure, and not for the community of boaters that would actually use them.

We commend the concept of Westpoint Harbor as a dynamic destination for a variety of public interests - a large guest dock, plans for restaurants and retail, and as a host for events like Westpoint Regatta and Stanford's treeathlon while at the same time offering premier services for the boating community with a public launch ramp, fuel dock, and small boatyard. It is exactly the kind of development that promotes enjoyment of the bay on boats large and small as well as from the shoreside. And, the greater the enjoyment of the bay, the greater the likelihood of good stewardship of our wonderful bay by all who are engaged with it.

The BCDC should join all the other public agencies that have applauded Westpoint instead of stifling it, and stop wasting their limited resources on the pettiness that makes up the bulk of this Violation Report. It would serve the public interest to a much greater extent if BCDC would instead hold up Westpoint as a model for other marinas.

Louis Adamo

louis@hi-techaudio.com

Karen Gitter
sail.legacy@gmail.com

"Legacy"
PO Box 5041
Redwood City, CA 94063

Subject: Regarding Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Monday, November 13, 2017 at 3:12:00 PM Pacific Standard Time

From: hldietz@aol.com

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

To the Enforcement Committee Members and the BCDC Commissioners:

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, boat owners and liveaboards all reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

1. Michelle Fox was awakened from a nap by a couple placing their toddler on her boat for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
2. Michelle O'Healy found a strange man, not a boat owner, in the main salon of her boat, in conversation with her two young girls. She had to order him off of her boat.
3. Bri O'Hare saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
4. Holly and Stephen Estrada watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
5. The O'Hares had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen Estrada left for work at 3am, he found that his car had been tampered with.
6. Ellen Dougherty leaves for work at 4:00 - 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
7. Also, Ellen and her husband saw two men taking pictures by Whistlin' Dixie. The men ran away when Michael tried to ask what they were doing.
8. Karen Gitter and others are constantly asking intruders to leave the docks. One boat owner reported finding a homeless person trying to move onto his boat!
9. Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen.
10. We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
11. Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to

sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers 5) replacing the signs back up that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures in any marina are forbidden by BCDC. We wonder, why are we being singled out for this nasty behavior?

We look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Holly Estrada
650-704-6307

Subject: Re: Westpoint Harbor Proposed Order No. CDO 2017.04
Date: Monday, November 13, 2017 at 3:01:47 PM Pacific Standard Time
From: Frahm, Lindley
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC
Attachments: image001.gif

Attn: Enforcement Committee Members and BCDC Commissioners

To Whom it may concern,

I am a recent boat owner who has had the pleasure of docking my 35 foot sailboat at the Westpoint Harbor in Redwood City.

I chose Westpoint Harbor both due to it's proximity to my workplace, and also the fact that of all the Marina's in Redwood City, it struck me as a very professional and well-run facility.

Although my experience with Marinas is very limited, I have found from the start the Westpoint Harbor staff and owner to be accessible and sincerely interested in making this marina a wonderful addition to the San Francisco Bay near to Redwood City.

I sense from the staff a strong commitment to boating as a means that citizens can feel connected to the San Francisco Bay, and respectful of the wonderful environment that we live in.

I believe - as an environmentally conscious person myself - that anything that can help to bring people closer to this beautiful waterway is beneficial for all, and I find that the other owners I've met clearly share this love for the beautiful environment we live in and the access that boating gives us to the San Francisco Bay.

I was very sorry to hear that the BCDC has found issues they feel justifies actions against Westpoint Harbor. If these allegations and proposed fees associated with them are carried out, it will very likely increase the prices to a point where many of us who keep our boats at the Marina will not be able to use the Marina, or the marina will be forced to shut down. Is this really what the BCDC wants? Do they intentionally want to reduce this wonderful interface with the bay that helps boat owners like myself share the our love for the bay and the wildlife found there through sailing or motoring with our friends and family? Do they not agree that this sort of connection increases people's awareness and appreciation of the beautiful San Francisco Bay, just as access to Yosemite park increases people's love of the environment, and thereby makes them want to help retain the wonderful natural environment that surrounds us?

I would like to think that there is some 'miss-understanding'. That perhaps ego's have flared, may on both sides, when a calmer view might find a better way. I suspect that all of us want to respect the environment, but are trying to find common ground that doesn't restrict our connection to the Bay.

If there are specific issues that can be found where the marina might improve, or if the BCDC can clarify specific demands that can be met in a reasonable way that will be of benefit to all, then I will feel that reason has prevailed.

As a satisfied boat owner, born and raised on Redwood City, who cares about and loves the Bay very

much, I want to do anything I can to help to find a constructive path forward.

Please feel free to contact me if you'd like to discuss this more, and thank you in advance for trying to find a constructive resolution to these issues.

Very sincerely,

Lindley

LINDLEY (LIN) FRAHM

Assistant Director, Statistical Programming
Data and Statistical Sciences

abbvie

AbbVie Biotherapeutics, Inc.

1500 Seaport Blvd

Redwood City, CA 94063

OFFICE +1 650-454-2807

MOBILE +1 650-385-9091

EMAIL lindley.frahm@abbvie.com

www.abbvie.com

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Subject: Westpoint Marina Enforcement Hearing

Date: Monday, November 13, 2017 at 2:16:42 PM Pacific Standard Time

From: Chris Tavenner

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

To the BCDC Enforcement Committee:

***Note: while a majority of the letter below is a precomposed form letter expressing concern and discontent at the enforcement actions and heavy-handedness the BCDC is imposing upon the Owner of Westpoint Marina, I would also like to present some of my own personal commentary to this issue:*

"I am a legal live a board tenant at Docktown Marina, own several boats in marinas throughout the Bay Area and have been a Bay Area recreational boater for the last 25 years. I have been a member of assorted Yatch Clubs, Nonprofits aimed at preserving boating, and in the past have donated money to preserve the Bay and its natural habits.

Boaters by nature appreciate nature and take efforts to preserve and maintain the Bay and it's habitats.

Over the last decade we have seen the systematic removal and destruction of marinas in the Redwood City area in favor of condominiums and office space. It would be untrue and unwise to imagine that condominiums and office space is a better fit to the natural environment and native species than a marina.

At Docktown the live-a-board community and Peninsula Yatch Club members have voluntarily, on their own initiative, taken it upon itself to clean a preserve Redwood Creek for over a decade removing debris and materials by organizing, monthly and yearly clean up events to rid the creek of trash that comes from the developments along the shoreline. This debris would most certainly have found its way into the Bay and sanctuaries with the outgoing tides.

To make claims that Westpoint Marina would cause dismay or disturbance to the natural habitat by harboring vessels used occasionally by recreational boaters and the handful of live-a-boards is daft in comparison to the amount of traffic and disturbance brought about by the Pacific Shores Center, with its 10, 10 Story buildings on 106 acres of office space located just a few hundred meters away.

I implore you to use some common sense discretion in the weighing of the options in regards to the enforcements of the complaints listed in this enforcement hearing."

In the matter of Westpoint Harbor Proposed Order No. CDO 2017.04, I am writing to express my support for the Westpoint Harbor (WPH) marina and request that BCDC carefully consider all options to work with the marina to achieve the public access and environmental goals of this privately funded marina.

I have accessed the Bay via the WPH walkways, boat launch, docks, or other facilities at WPH 1529 Seaport Blvd, Redwood City, CA 94063.

It appears that BCDC permit requirements, including those for unbounded public pedestrian access, at WPH were put in place to provide an enforcement trigger rather than to enhance the benefits of the public or environment.

I believe that WPH owners and employees have consistently taken actions to protect and improve the Bay environment, foster and encourage Bay access by pedestrians and boaters alike, protect the personal security and boating safety of boaters in the harbor, and encourage safe boating in the San Francisco Bay.

It greatly concerns me that the BCDC appears to have undertaken a series of arbitrary and capricious actions that simultaneously harm public access to the Bay while purposefully seeking to cause financial harm and undermine the success of a privately owned marina.

Please start the process of working WITH the WPH marina for successful Bay access and conservation rather than trying to shut down the excellent

public access and environmental improvements to the Bay at the site of the WPH.

Sincerely,

*Chris Tavenner,
1548 Maple st, Redwood City, California
415-859-0392*

November 10, 2017

RE: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

My husband and I were two of the first boaters to be given a slip at Westpoint Marina for our modest 40 foot sailboat back in 2008. During these past nine years, we have found Mark Sanders to be one of the finest people we've encountered during our 63 years of life. My observations of the manner in which Mark conducts and manages Westpoint Harbor and Marina have shown time and time again that he is a man of integrity and honor, and is consistent in his concern for the stewardship of the land, the wildlife, the waterways of the South Bay, as well as for the people who want to enjoy the South Bay.

Over the years, I have also observed that Mark has carefully and thoughtfully built and managed Westpoint Harbor in accordance with the written guidelines and requirements of all the agencies involved.

Sadly, though, I have also witnessed Mark's frustration as a result from the constant injudicious harassment and irrational behavior of some of the BCDC staff, which seems to be escalating now. Time and time again, those individuals have changed their minds about what they require... and (interestingly) always AFTER Mark has invested and completed the written directives. At times, those directives have even put human safety at risk, such as the misguided stipulation that restrooms be left open 24 hours a day and that dock gates be left unlocked/open to the public all hours of the day and night. In all other Bay Area marinas, locked restrooms and dock gates are simply best-practice safety precautions.

We have visited many other marinas and harbors and NEVER have we experienced anything like this with regard to the blatant blocking of reasonable and prudent safety issues and harassing a man who is trying to do something good and honorable... a man who wants to create and open up the beautiful South Bay for everyone to enjoy: for people who want to enjoy walking the bay trails, the boaters, paddlers and rowers, the birdwatchers, the wildlife lovers, and the artists (such as myself) who want to capture on canvas all the beauty and wonder here.

My hope is that you clear the way so that Mark Sanders can complete and maintain the Westpoint Harbor and Marina project as it was envisioned.

Please, please do not approve and support these irrational, obstructionist and vindictive behaviors put forward by BCDC.

Thank you.

Sheila Finch
s/v Tango, D52
Westpoint Harbor

Mail: 1025 Alameda de las Pulgas #217
Belmont CA 94002
Ph: (650) 451-2484

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Monday, November 13, 2017 at 1:03:39 PM Pacific Standard Time

From: John Sanders

To: mark.zeppetello@bcdcc.ca.gov

CC: ReceptionDesk@BCDC, harbormaster

To: Enforcement Committee Members and BCDC Commissioners,
c/o Mr. Marc Zeppetello

I appreciate this opportunity to address both the Enforcement Committee and the Commissioners regarding Westpoint Harbor and staff allegations of wrongdoing.

My name is John Sanders, and I'm the brother of Mark Sanders, the principal at Westpoint Harbor. I have been peripherally involved with Westpoint Harbor since its inception, am a U.S. Navy veteran, and have been boating on San Francisco bay for an excess of 30 years.

I would like to make a statement regarding just one allegation (7B) because it is a false claim in which I was personally and directly involved, and can speak with authority. It is regarding signage to inform the public of access restrictions to Greco Island. Anyone who is familiar with the geography of Greco Island, and understands the tidal action of the South Bay, would recognize that buoys 100-feet from the edge of the island as a means of warning the public away, is an impossible task. Additionally, these buoys would create a navigational hazard. Fifteen years ago it was decided, after consulting with the Coast Guard and the SF refuge manager, that signs on buoys is unworkable and the best means of warning the public was with signs placed at the edge of the island, which is normal USFWS practice.

Consequently, signs were provided by Don Edwards Refuge (Clyde Morris) to Westpoint Harbor, and as directed by them, I personally designed the foils attached to the signs that prevented predatory birds from landing on the signs to be placed on the Greco Island shoreline. I presented my design to Clyde Morris, and Clyde approved the foil design, and they were securely placed on 35+ locations along the island as directed by Mr. Morris. The allegation that these signs were not placed is pure fabrication because I helped plant them, after the buoy idea was rejected because it was illegal and unworkable. Sailing in Westpoint Slough for decades, the signs were a familiar sight and a pleasure to see because I was a part of it. How odd that virtually all of the signs suddenly disappeared around the same time this allegation was made by a third party. It is a sad fact that individuals so intent on stopping any Bay development often resort to eco-terrorism tactics to further their aims.

Why BCDC refuses to recognize Westpoint Harbor as the finest, most environmentally thoughtful harbor in San Francisco Bay is beyond me. Why BCDC refuses to allow Westpoint Harbor to provide locked gates to protect harbor members and their possessions--as is the case of virtually every other harbor in California--is beyond me. Some allegations are so silly that it makes one want to weep: I have used boat launches my whole life. How can staff interpret the permit to require the boat launch be opened to the public before the roads, parking, lighting, even landing docks are authorized for construction? It's impossible, dangerous, and I don't believe staff can enforce conditions that are illegal and impossible. Worse, in reading the transcripts of meetings with BCDC staff, they have agreed these allegations are without merit and yet they persist to this day!

How can staff declare that the rowers dock is unauthorized when it is in every drawing and is part of the approved Dock Plan set that includes all docks in the harbor? Also, the rowers dock is in every staff package presented to the committee and even in the legal document filed by BCDC with the county.

In short, it amazes me that BCDC expends such a large amount of limited resources in their effort to shut down the finest, state of the art marina in San Francisco Bay. One would question if you have ever visited other bay area marinas to witness their failing docks, pump-out systems that haven't worked for months, and glaring environmental violations.

If I were to make one recommendation to the BCDC Enforcement staff, it would be to employ someone that has at least some knowledge of maritime law, has actually spent time within the boating community, and would therefore understand why so many of the BCDC allegations are so ludicrous to a knowledgeable mariner.

Regards,

John A. Sanders
Harbor Master
Technical Metals Consultant
john@westpointharbor.com

November 13, 2017

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

RE: Westpoint Harbor Case No. ER2010.013

Dear Commission Members,

I am a boater and now liveaboard renter at Westpoint Harbor Marina in Redwood City. I have been a boater in California since 2005, I am very familiar with marinas in San Diego, Long Beach, Los Angeles, Marina Del Rey and Newport Beach. As the former President of a firm managing in excess of \$2.5B in property in California from 2001 to 2012, I also had responsibility for three marinas in Marina Del Rey subject to regulations enacted by the County of Los Angeles, the California Coastal Commission and various other agencies. Two of our marinas had won awards including the Clean Marina designation. I now have my own firm in San Jose. I have personally supported river and fish restoration projects in California, Wyoming and Montana and numerous environmental causes. I strongly support California Marine Protected Areas and the activities of the California Coastal Conservancy.

I became aware of the BCDC Enforcement memorandum after requesting of Westpoint Harbor Marina the status of construction of a proposed fuel dock explaining my ongoing frustration with poor management of Coyote Point and the closure of the fuel dock at Sierra Point. I was surprised to discover the complaint for Administrative Penalties filed against Westpoint Harbor. After reading the complaint on line I seriously thought that not only did the BCDC staff have a vendetta against the owner of Westpoint Harbor but that Mark Sanders, the owner, could not possibly be the person described in this case nor the operator of this marina. The alleged level of "illegal" activity is absurd and quite overstated in my opinion.

This complaint is a possible example of an agency whose staff appear to have a disregard for private property rights, an inability or lack of desire and accountability to timely process applications and permits within regulatory time frames. There must be angry staff members. This entire case appears as a vindictive effort to destroy the operator financially. This marina is one of the best examples of an environmentally friendly, well designed and privately managed marina on the West Coast. The Bellingham constructed docks are of the highest and safest standards. The installation of waste pump outs, utilities, and other safety configurations are far above just about every marina in Northern California.

Please see my comments below regarding various issues.

Public Restrooms are available at Westpoint. Of course, they have to be locked. They have showers which are a must for visitors/kayakers and sailors. We cannot have unsavory people or homeless going into these bathrooms with numerous children present. Forcing 24 hour unlocked bathrooms is not a service to the people who use it the most.

The water quality in Redwood Slough is in cleaner condition today than any time in the last 40 years according to my professional diver and numerous others. Shell production, a sign of a healthy eco system is back to levels of the early 60's. For the last 2.5 months my boat has been seasonally surrounded by thousands of fish and this situation has increased over the last four years. My dock (F) has two part time resident Herons, almost year around, an egret and hundreds of other birds flying around at night. Those birds are eating fish. I have NEVER seen a raptor hanging out in the trees of Westpoint Harbor nor the same trees planted in Pacific Shores. I am certain there are raptors on the peninsula which travel up and down the coast. Citing Westpoint Harbor for non-compliant trees which are the same as Pacific Shores does not make sense.

Cargill's Bittern pond next to Westpoint Harbor is the seasonal home to thousands of birds at various times of the year. My wife and I sit on the bank and have watched the birds adjacent to our parking lot for hours as have the "public"

including numerous kids of boaters. The required construction of a **landscape barrier** is totally unnecessary; there is more than enough distance from the property line to the ponds. Redwood Shores a few miles away, next to the sewer plant was home to hundreds of birds directly across the street from a large dog park. People and birds existed perfectly there for over 20 years. The sewer plant is now in expansion mode moving out the birds for the sewer plant expansion. Westpoint Harbor integrates into Pacific Shores. Office workers from Pacific Shores and boaters from Westpoint Harbor have integrated well over the four years I have been here. When I rented my slip in 2013, the harbor master, Mr. Furman invited me to view any plans I was interested in seeing to understand how the marina would expand during future construction which they anxiously approval. How can BCDC assert that plans were never submitted for construction of the components of this marina?

My comments to specific allegations or conditions:

Requiring 12-15 ft. paths was inappropriately designed and not in harmony with the 6-10' paths at Pacific Shores. Paths in other areas including Redwood Shores vary in width. Wider than necessary paths damage natural grasses and encourage off road motorcycles, dirt bikes and electric skate boards.

Members Only signage now removed was positive in my opinion to move the general public to the public park at Pacific Shores and the fisherman that go there. The public should not be swimming or fishing in an active marina. I have seen hundreds of public boats launched at Westpoint Harbor and hundreds of student athletes participate in triathlon activities hosted by Westpoint for the last four years. Westpoint Harbor asks the boaters to help the race launch by keeping boat engines off, boats moored during the competition when the athletes swim from one end of the marina to the other then mount their bicycles.

Guest Berths have been always available. I have met many boaters from numerous other marinas and public launch areas who tie up and spend the day/night at Westpoint Harbor. How does staff claim seriously there are no guest berths?

Ample public parking has always been available; bike riders from the public and joggers come through all the time. Perhaps the public parking has been inadequately marked, but the staff of Westpoint Harbor to my knowledge has not been towing vehicles nor disallowing public parking.

Landscape should be limited to native grasses and trees should be planted in conformance to Pacific Shores. Pacific Shores has excess, and overwatered lawn areas that cause nitrogen pollution and other pollution runoff to Westpoint Slough. Westpoint should be encouraged to keep minimalist landscape. While I would personally liked the native grasses trimmed more often, the fact is we have suffered a serious drought and some groups would probably give Westpoint Harbor an award for water conservation, not penalize him has this action does. The fish and birds are in a healthy environment.

Too much signage is a eyesore. This is not downtown San Francisco. There is not a boater at Westpoint Harbor who does not know **Greco Island** is a sensitive area. We have been informed numerous times and our boater information package is clear about it. I am thankful that buoys are not placed up and down the channel which would cause serious interference in boating activities, in lower tides and high winds we would have to be worrying about not only hitting the markers but the chains controlling the markers. The Coast Guard should regulate buoys not the BCDC. Boaters are fully aware of no wake zones. It is not possible for Westpoint Harbor to take all responsibility for any boater whether from Westpoint Harbor or the public dock at Redwood City from violating the no wake rules.

The **boat launch** has been used by boaters for the four years I have occupied my slip. I have witnessed the staff of Westpoint Harbor actually assist public boaters launch as do live-aboard boaters if we are aware someone needs help. **Public boaters are allowed to use the restrooms** by staff and have been given access in office hours all day every day with the exception of Christmas and New Years day to my knowledge.

Rowers dock and kayak launching should be encouraged by the BCDC. It is vital our kids and future generations are encouraged to use the Bay. Rowers, kayakers, sailors and boaters are the first to see water degradation and the need to keep our water clean, our estuaries productive and human activity in harmony with nature. Keeping the public out of the Bay which seems to me to be the intent of some of BCDC's staff actions is exactly the wrong approach to saving our environment. Fisherman supported and have led the fight to remove unnecessary dams on our freestone rivers. Cities will continue to dump trash and pollutants in our Bay if we don't keep human interaction with the water and teach the next generation to use the water for recreation and family activities.

In my opinion the boaters of Westpoint Harbor would like to see Mark Sanders be allowed to finish the construction of the marina, fuel dock and a boatyard as well as develop perhaps a hotel, restaurant and other visitor serving future boater and public related uses on the parcel adjacent to Pacific Shores. The Peninsula and San Jose boating public has not had adequate modern access to facilities which now Westpoint Harbor provides.

A small minority of the public wants no one on the water enjoying this natural resource. I believe the majority of citizens want a way to access our Bay in a well-run, privately managed environment, safe for families and sports enthusiasts. Sadly our state parks can no longer be operated properly and many are closing for significant periods of time and cannot be cleaned properly. We are lucky to have a steward of the environment and a person as determined and yes stubborn as Mark Sanders willing to undertake this vision and challenge. This action by the BCDC needs to end and Mr. Sanders needs to be supported by the Commission to fulfill his plans. Let's settle this by dropping the fight and allowing Mr. Sanders to finish this well-conceived and publicly beneficial project.

Thank you for your consideration of my thoughts.

Sincerely,

John Pringle

John Pringle

333 West Santa Clara, Suite 805
Santa Clara, CA 95113

Westpoint Harbor Marina. Slip F54, Redwood City

Subject: Westpoint Harbor - Proposed Order No. CDO 2017.04

Date: Monday, November 13, 2017 at 12:00:03 PM Pacific Standard Time

From: Terry Pickles

To: Zeppetello, Marc@BCDC

CC: Terry & Paula bozinovich, ReceptionDesk@BCDC

Dear Enforcement Committee Members and BCDC Commissioners,

We are currently members of the Westpoint Harbor boating community, as after making a significant investment in a Beneteau 343 sailboat, we selected Westpoint Harbor to berth our boat. Prior to selecting Westpoint Harbor, we visited marina's up and down the peninsula, spoke to both staff and boaters, and the decision to use Westpoint was made based on the state of the art facilities, a keen focus on safety and security, and the spirit and pride of the boating community berthed there. Mark has taken great care to ensure the marina and its inhabitants both respect and protect the environment, as well as foster a close knit camaraderie. Sponsored by Mark and the Marina staff, the boating community participates in holiday events, movie nights, Regatta's, and a variety of sporting events shared by many outside of the harbor community.

In reviewing some of the alleged infractions, I am genuinely perplexed on how these were arrived at. For example:

- a. Pacific Shores does not have public restroom and/or shower facilities yet the complex has a significant public access path and waterfront. Additionally The Port of Redwood City Marina provides electricity and water to all boats, and restrooms, showers, and laundry facilities for all Marina users. Not the general public. Why on the other hand is a requirement for Westpoint Marina to provide public restroom and shower facilities 24 x 7?
- b. All boat owners who berth in the Westpoint Harbor marina have made significant investments in their boats and rafts. Ranging from paddle boards, to boats costing hundreds of thousands of dollars, up to millions. Our investments require that security measures to be taken to ensure vandalism doesn't occur, unauthorized individuals do not take up residence, and theft doesn't occur. While the harbormaster previously patrolled the docks ensuring a high level of security, it appears they are not permitted to continue security patrols. Again, other marina's routinely offer these services so why is Westpoint being singled out with a cease and desist?
- c. Marina's up and down the peninsula, including the port of redwood city Marina, have locked gates and security measures in place that don't permit unauthorized individuals from going down the docks. Westpoint Marina must be allowed the same opportunity in addition to patrols.

While we would like to attend the hearing to speak on behalf of Mark and Westpoint Harbor, unfortunately we have a conflict that will not allow our attendance. Should the board require any additional information and/or testimonials please do not hesitate to contact us.

Regards,

Paula Bozinovich
Terry Pickles
346 Cerrito Avenue
Redwood City, Ca. 94061
Home Phone: 650-858-2478
Boat - Namara (Beneteau 343)
Berth - B25

cc: Senator Jerry Hill
Congresswoman Jackie Speier

(email copy sent to their offices via contact websites)

November 11, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.

- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for

boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Roy M. Quicker "Santo Christo"
1227 Windward Drive
Los Altos, Ca. 94024

Subject: Westport Harbor Proposed Order No CDO 2017.04

Date: Monday, November 13, 2017 at 11:33:00 AM Pacific Standard Time

From: vicki@integrityyachtsales.com

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

The mission statement For BCDC is "The San Francisco Bay Conservation and Development Commission (BCDC) protects and enhances San Francisco Bay and encourages the Bay's responsible and productive use for this and future generations." I can assure you every boater across the nation stands behind this noble mission and supports your efforts in achieving such worthy goals.

With that in mind, I felt it necessary to send my input to you regarding the situation with the Westport Harbor Marina. I think you will agree with me that in reviewing Westport Harbor Marina's history and current activities that the ownership and staff have the same motivations and aspirations as BCDC's mission statement professes. I won't take the time or space in this short letter to recount all the sources and types of recognition this marina has received over the years for all their efforts to again, perform according to similar goals as your mission statement.

As a boater and a small business owner I was very distressed and disappointed when I read about the trouble Westport Harbor has found themselves in with the BCDC. Here are two groups, both with the same goals, both with the same good intentions at odds with each other when in fact the two should be celebrating unity and being a force for good in the environment and on behalf of San Francisco Bay.

I won't bore you with recounting all the claims put forth by BCDC, nor will I bore you with all the disclaimers brought forth by Westport. I do want to voice my deep concern and anger about one incident in particular which in my opinion should cause BCDC to drop all activity regarding the harassment and punishment of Westport Marine. That incident is:

"E-mails have been revealed that show some BCDC staff's unjustified targeting of respondents, including one BCDC staff member telling another that "West Point Marina is going to be a big juicy case for you b/c Mark Sanders, the principal, doesn't think too highly of us. This is one of your top priorities."

This is an example of gross overreaching by someone who is abusing their authority and using it to harass, punish and in short bully a small business and its' owner. This is an example of how government entities can use position of power and authority to quite literally destroy a business.

I don't believe that BCDC works with the intention of destroying small businesses or individuals who obviously share the same vision for environmentally friendly places for the rest of us to enjoy the water. The fact that an individual within your department could wield such power as to offer harassment at this level is telling. Westport Harbor Marine has been treated with such a level of disrespect and callous disregard for their livelihood and contributions to the community that it is causing outrage not just in the San Francisco Bay area but around this nation's boating community.

I am writing to implore you to do the right thing. Drop all harassing claims and fines against Westport Harbor Marina and go back to the cooperative respectful relationship you once had. The environment needs this cooperation. Driving a small business under with harassment and fines will not service your cause or mission.

Respectfully submitted

Vicki Rasmussen

Subject: Westpoint Harbor Proposed Order No.CDO 2017.04

Date: Friday, November 10, 2017 at 12:08:34 PM Pacific Standard Time

From: BARBARASMITH

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Dear Mr. Zeppetello,

Next week, there is a hearing regarding Mark Saunders and West Point Harbor and I am writing to that issue. First of all, I am not a boater know that I have missed out on an amazing life enjoyment. On the other hand, I have been to WPH many times and have met many of the boaters who enjoy being there. I've seen that Mark and the rest of his staff are so gracious yet firm about complying with regulations, restrictions. Occasionally they have had to be quite firm in asking people to leave because they don't want to comply and have even had to call the police out.

I have known Mark for many years and watched him over all these years start with nothing but a chunk of dirt and build a beautiful harbor.

I've watched him work to comply with all of the BCDC requirements as well as trying to meet all the other regulations that were required of him. I have watched him work so hard to meet everything that has been expected of him only to be hit with yet another batch to comply with.

I support Mark and his efforts to meet with your requirements. I hope that, after all of these years he will be able to continue building and maintaining a beautiful harbor that is an asset to the community at large and the boating community specifically.

Sincerely,
Barbara Smith
510-713-1341

Subject: Comments regarding Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Friday, November 10, 2017 at 1:25:34 PM Pacific Standard Time

From: John Farnsworth

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC, Mark Sanders

To the BCDC Commissioners via Marc Zeppetello.

Although I no longer keep a boat in the south bay, my boat was moored in various Redwood City marina's from 1998 through 2008. I first moored in Peninsula Marina, and then keep the boat at Pete's Harbor and then the Port of Redwood City marina before moving it to Westpoint Harbor when the new marina first opened.

As someone who researches and teaches about environmental issues at the university level, I consulted with Mark Sanders a number of times while the project was in its proposed stage. I found his concerns about establishing an environmentally sustainable marina to be genuine, even when such concerns added to the marina's developmental costs. Indeed, Mark wanted his project to stand as an exemplar of how a marina could add to the environment and the surrounding community.

When I finally moved into the marina as one of the original tenants, I was I was impressed at how carefully and intentionally the marina was managed. Having previously stayed at several other local marinas, two of which no longer exist, there is no comparison at how the WHP management was attentive to environmental regulations and procedures. It was the only time during my decade of keeping a large sailboat in Redwood City that I felt I was in an establishment where corners were not being cut. Not only is this marina being run to the highest standards, it's the only one in Redwood City that is.

It is common conjecture among the boating community that BCDC staff have some sort of personal vendetta about WPH and Mark Sanders, beginning with the 15-year ordeal he had to go through to get the original permits. I urge you correct this situation. In Mark Sanders you have a responsible developer who is attempting to do things the right way, and to the highest standards. Please drop your adversarial stance toward this project, and find a responsible way to work collaboratively with him.

Kind Regards,
John S. Farnsworth, PhD

[john s farnsworth, phd](#)
[senior lecturer, environmental studies & sciences](#)
[provost's faculty associate for curriculum development and transformation](#)
[santa clara university](#)
jfarnsworth@scu.edu
www.jsfarnsworth.net
[@johnsfarnsworth](#)

Subject: Wespoint Marina
Date: Friday, November 10, 2017 at 1:41:58 PM Pacific Standard Time
From: David Biggs
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC
Attachments: image001.jpg

Marc,

I'm contacting you concerning the Westpoint Harbor Proposed Order No. CDO 2017.04. I know Mark Sanders runs a tight ship at his marina and highly doubt such a successful talented person like Mark violated any BCDC rules. I think you need to cease your actions and reassess the supposed violations.

Thanks

Dave Biggs
Mountain View, Ca



David Biggs
Reliability Eng Specialist | FRACAS
[+1.650.852.4869 office](tel:+16508524869)
david.biggs@sslmda.com

This message (including any attachments) may contain confidential information intended for a specific individual and purpose. If you are not the intended recipient, you should delete this message and any attachments.

Subject: Westpoint Marina

Date: Friday, November 10, 2017 at 2:19:53 PM Pacific Standard Time

From: Barry Demak

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Simply, Westpoint Harbor is the best thing to happen to the San Francisco Bay in the past 30 years. Mark Sanders has been a tireless steward to provide access to the Bay and the marina is a great public resource.

I can't think of a person or a project that has done more to champion protection and environmentally conscious use of the Bay.

The enforcement actions against the project seem ridiculous and a perverse prioritization of BCDCs efforts.

Please support Westpoint Harbor and work through any outstanding legitimate issues in good faith.

Barry Demak

November 10, 2017

Bay Conservation and Development Commission

Enforcement Committee

Sent via Email to: Marc.Zepetello@bcdc.ca.gov and info@bcdc.ca.gov

RE: Proposed Cease and Desist and Civil Penalty No. CDO 2017.04

Members of the Enforcement Committee:

My name is Doug Furman and I have been associated with Westpoint Harbor for the last six years. Prior to my association with Westpoint Harbor as a Harbormaster, I worked in management in the public sector for over twenty years as well as working in the private sector as a Human Resources Executive. I am writing this hoping that you will pause in the rush to find Westpoint Harbor in violation of the permit issued by your agency. Without going into all of the details, there are a few areas I would like to bring to your attention.

First, remember that the area that we now call Westpoint Harbor was previously a toxic pond without public access and affording no opportunity for people to enjoy the Bay. One person changed this, Mark Sanders. He has had to do this, not with the assistance and cooperation of BCDC, but having to fight your staff every step of the way. It would have been easier for all if the Commission had denied the original permit, but it was passed **unanimously** by the Commission for clear and obvious reasons. Staff at BCDC never wanted to see this permit approved. The original application was filed in 1993 and while it was approved by every other public agency it wasn't until ten years later that BCDC staff allowed it to come before the Commission. Since Commission approval, your staff has been working tirelessly to create the situation we have today. Just read the email from Adrienne Klein dated July 12, 2010 where she says: "West Point Marina is going to be a big juicy case". This was before any official violations were even filed against the project. I remember being called into the City Manager's office one day. The City Manager said it was time to remind me that I was *not* the one elected by the people and my job was to implement the policies of the elected officials no matter what I personally felt about the policies. Seems to me you need to have the same discussion with your staff.

No one at Westpoint Harbor is against the ideals that created BCDC, it is a high-quality mission. Providing public access and having a haven on the Bay is and has been a goal of ours at Westpoint Harbor too. Westpoint Harbor actually increased the size of the Bay. There are few projects where the members of BCDC can say they actually increased the size of the Bay, but this is one of them. Instead of celebrating and working together, your staff has fought this development even though it comes closer to meeting the legislative intent of your organization than most any of your other projects.

Today, hundreds of people enjoy the bay using access that was not available until Mark Sanders created it. Ask Stanford University who holds their annual triathlon in the waters of Westpoint Harbor, ask the Los Altos Rowing Club, the Hawaiian Rowing Club HPOCC, the California Cruising Club, the Master Mariner's and Santa Clara Rowing Club who have used the facilities for access to the Bay. Come out any

day and watch the wildlife and the people enjoy the Bay. We are a certified "Clean Marina" and provide state-of-the-art services to boaters in a world-class marina. Again, I thought this was your purpose, but it seems to have gotten lost in the minutia and vindictive behavior of two people: Adrienne Klein and Brad McCrae. You have the ability to right the ship called BCDC and support a project that comes closer to achieving the goals of your original legislation than any other marina.

I would like to specifically comment on one meeting which I attended with BCDC staff. On August 21, 2013 I was present at a meeting at BCDC with Brad McCrae, Adrienne Klein, John Bower, Erik Buehman, and two legal interns. Representing Westpoint Harbor was Doug Aiken, Mark Sanders, Maureen Sanders and myself. The reason this meeting is important is that much has been made in the Enforcement action about Mr. Sanders not signing Amendment #5 which would have resolved most issues before this committee. Your Executive Director, Mr. Goldzband writes about it and if you were to believe what he wrote, you would think that Mr. Sanders is completely unreasonable and a terrible person when he was offered a perfectly reasonable Amendment #5 to sign and he refused. The truth is otherwise.

The purpose of the meeting was to resolve the allegations directly resulting from Permit errors. The items on the table were: (1) fix wording in the Permit that both sides agreed were errors; and (2) resolve or withdrawal of the allegations of wrongdoing due to the poor wording in the Permit. Brad McCrae was willing to fix a number of the issues and if you read the meeting transcript you will see he admitted that most of the allegations against Westpoint Harbor were petty and baseless. However, staff refused to talk about the allegations of violations and the potential for fines as a result of the poor wording. No competent person would sign an agreement without wrapping up all of the issues and neither would Mark Sanders. When BCDC produced the new document, Amendment #5, they added additional language and conditions that were not discussed previously and were illegal which made it impossible for Mark Sanders to sign. If you think this is a fair way of doing business, vote to support the recommendation of your staff. But I urge you to look at the facts in this case. Consider the motivations: what motivation does Mark Sanders have to create this situation with BCDC? Surely if he has these issues with your agency he must have similar issues with the ten other agencies that have jurisdiction in the project many with identical conditions (answer: there are no issues with any organization but BCDC).

The reason this meeting is so important to me is that as a labor negotiator for twenty years this meeting had the possibility of resolving almost all of the issues. Instead it turned into a wasted opportunity based on petty issues. Thousands of dollars and hours later we are here. Adrienne Klein set the stage for this issue in 2010 and today you are spending your precious time because of it.

Lastly, I read the Minutes of your Enforcement workshops in October of 2016 and March 2017 where staff told you about the difficulties faced in the Enforcement section. After reading the report from your staff, it appears staff writes poorly written permits, fails to follow up on them, lets time go by and then strictly enforces the poorly written language for huge fines. One would expect the Enforcement Committee to act differently and not support these poor practices. You would never tolerate these practices in the Cities of Palo Alto or South San Francisco or Napa or Alameda or at Tesla.

Respectfully,

Doug Furman

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Friday, November 10, 2017 at 4:18:37 PM Pacific Standard Time

From: David S. Utley, M.D.

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

Dear Mr. Zeppetello

I am a RWC resident for 15 years, an ex-Stanford surgeon, the CEO of a digital health company with HQs in Pacific Shores, and a boat owner who's boat is berthed in Westpoint Harbor since early 2012.

I just learned of the matter....Westpoint Harbor Proposed Order No. CDO 2017.04

And, I just reviewed your website where I read in full the Cease and Desist Order as well as the Statement of Defense from the Respondent

I do not pretend to be an expert in these matters, so I am certainly not writing to comment on any specific matter or defense.

Instead, I am writing (without being asked by WPH) to give you my perspective as a RWC resident, a Bay and Ocean Lover who's family has volunteered extensively in clean up projects, an Environmentalist, and a supporter of public access and awesome spaces to live and breath and enjoy life.

I have known Mark Sanders and his team for over five years

I have 45 years on the water from the Great Lakes, to Maine and Boston, to the Carolina Coasts, to Florida and its Keys, to Southern Cal and now Northern Cal.

In that time enjoying and protecting the water as a global resource to be enjoyed carefully, I have NEVER met a harbor master and have NEVER seen a harbor as forward thinking, ecologically minded, environmentally conscious, clean, well maintained, beautiful, natural, and nature friendly as Mark Sanders and WPH.

NEVER

Go visit the DOZENS of harbors in the bay

I have berthed in EVERY ONE of them

Plus the Delta

Plus up and down the CAL coast

There is no more carefully conceived, constructed or maintained harbor than WPH

ZERO

From what I understand from satellite images and having lived in the Bay Area for 25 years, the WPH site was a wasteland before the restoration by Mr. Sanders commences before my time there. Dead. Like the salt flat to WPH's SW border. DEAD. There was zero public access and zero benefit to humans or wildlife.

Now, we see harbor seals, fish, shore birds, fish, and myriad other creatures reclaiming this area.
And the water is clean and continually refreshed with the tides.

Now, there is public access along the Slough, north and south of the harbor entrance

I walk there every day with members of my team from my company and we are in AWE of being able to work in such a beautiful place.

My daughter raced for NorCal crew and another for Cal Tri, both of whom enjoyed WPH and the slough for their teams and races.

And WPH is continuing to make the area more public friendly, with the SURF 101 shop, walking paths, landscaping, etc.

And we love that RWC FD has their new boat there, just wonderful for the City and our residents.

Lastly, regarding Mr. Sanders. I have the utmost respect for this man personally and professionally. Very high integrity and a long view to improving and preserving this waterway.

It seems that the lengthy Statement of Defense fully addresses the issues raised by BCDC and I hope that adequate resources are dedicated to finding the TRUTH here so that this matter is dismissed fully.

Thank you

Sincerely

David Utley

David S. Utley, M.D.
davidutley@mac.com
Mobile: 650.520.5763

Subject: Westpoint Harbor

Date: Friday, November 10, 2017 at 5:13:33 PM Pacific Standard Time

From: Robert Caves

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

I have had my 42' trawler at Westpoint Harbor for 9 months.

Throughout all my interactions with Mark and the staff at Westpoint Harbor I was never made aware of the issues between BCDC and the Harbor and specifically Mr. Mark Sanders. I can tell you that when I was considering a slip at the harbor the staff was very quick and proud to identify how environmentally friendly the Harbor is. They were proud of the water quality, regular testing, public access, high tech pump out system and other features they had built into the facility.

Just recently I became aware of the enforcement action brought by the BCDC. I read with interest the Respondent's Statement of Defense.

From my perspective, the only people who should be issued a cease and desist order at the BCDC staff. It appears that this is less a case of abuse of power and more a case of incompetence on the part of the BCDC staff. The high turnover, lack of adequate staff and budget within the BCDC are obviously making the consistent implementation of this process problematic. Add to that inconsistent contract/permit oversight and a constant revisit of an issue which was previously resolved and you have an untenable situation for the permittee. This is a perfect example of why taxpayers are so frustrated with our government.

I would recommend that stop wasting our tax money and start supporting Mr. Sanders and the Westpoint Harbor project. To that end, I would encourage you to identify someone within the BCDC who would be responsible and accountable to get the project completed. The best candidate would appreciate the work done to date and want to see the project be successful. They should also have enough authority within the BCDC to get the rest of the staff to do their jobs and stop the petty bickering.

My two cents.

If you would like to speak with me my contact information is listed below.

Robert Caves
Slip D12 - Westpoint Harbor
1090 Hewitt Drive
San Carlos, CA 94070
650-888-2099 M
cavesster@gmail.com

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Saturday, November 11, 2017 at 10:57:33 AM Pacific Standard Time

From: Roger Bottarini

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC, Roger Bottarini

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.
- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well

known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.

- We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Roger Bottarini

“Nonno”

4301 N Canyon Rd
Camino, CA 95709
530-409-7078

November 11, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

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- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for

boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Richard Rossi

462 Rutherford Ave.

Redwood City, CA 94061

Ricky-D

Comment: BCDC by requiring a lack of security at the marina has put the marina, it's staff, all boat owners and guests at extreme risk. At times, I arrive at the marina around 6:00 am and I have witnessed some of the security risks mentioned above. You are asking all of us to take security into our own hands which creates a great liability risk.

I do not think that the members of BCDC leave their cars or homes unlocked, or let someone in to use their bathroom at any time of the day. The bathrooms should be locked after sunset, the access to the docks should be locked at all times to prevent someone not familiar with boating and marina docks to fall into the water. Westpoint Harbor is a very large space to allow for ample viewing of boats, use of the trails as well as benches to provide for seating and viewing.

BCDC needs to view Westpoint Harbor as a great place to bring children to view the beautiful boats, to walk the trails, have lunch while viewing the harbor, where all of us feel safe and secure, both boat owners and those who visit the marina. Security is a two way street, to protect life and property, putting no one in harms way and providing an enjoyable time for all.

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Saturday, November 11, 2017 at 12:07:38 PM Pacific Standard Time

From: Winston Bumpus

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

Dear Enforcement Committee Members and BCDC Commissioners,

I have just recently heard about this action and have read most of VR/C and Westpoint Harbor's Statement of Defense. I am surprised and shocked by this action. I understand and appreciate BCDC's goals and objectives which are to be commended, but this action seems heavy handed, unnecessary and way out of line.

I am an avid sailor, past Commodore of Sequoia Yacht Club of Redwood City and currently serve as Vice Commodore of the Pacific Inter-Club Yacht Association (PICYA) an association of the 105 yacht clubs in northern California. I am also simultaneously serving as the Vice Commodore of the Pacific Coast Yachting Association (PCYA) that consist of all of the yacht club and marina association from Mexico to Canada. I have also been an advocate for clean boating and continue to work with the Department of Boating and Waterways and helped pioneer yacht clubs and marinas getting involved in Coastal Cleanup Day and a member of their Dockwalker program.

I have known Mark Sanders for the last 10 years since I returned to the Bay area. I know that he has personally worked night and day for the last nearly 40 years to fulfill this dream. I also had my boat (a 38 foot sailboat) at the Westpoint Marina for about a year. I have also kayaked there using the new kayak dock and find that it is a great addition to the harbor and an environmentally friendly way to observe the beautiful area.

I have had my vessel in many marinas and as part of my official duties I have visited many marinas by land and sea. In my opinion what Mark Sanders has accomplished should be rewarded, not punished. He has the most state-of-the-art and environmentally clean marina that I have ever seen And this is accomplished by three very important things I believe he does.

- 1) His revolutionary pump-out access at each slip is something I have never seen before or since in all of my travels. It provides easy pump-out access and reduces the chance of holding tank overflows.
- 2) His high standards for boats admitted to the marina. Many marina have low standards as to what can come into the marina. I have seen old, derelict and leaky boats in most marinas. That is not happening at WPH. They are inspected and must be in top working condition. I defy you to say the same about any other marina in Redwood City or the San Francisco Bay.
- 3) He is a huge advocate for clean boating and supported boater clean education at his marina on several occasions. He also provides all of the other required environmental receptacles and signage.

The San Francisco Bay is known for its world class boating and sailing environment. But, it is facing large issues. Many Marinas are silting in and our closing or have closed. We have lost everything south of the Dumbarton Bridge in the past Palo Alto is closed and South Bay marina (alviso) is pretty much just for a few small duck hunting boats. There are pictures that hang on the wall at South Bay Yacht Club when large sail boats could actually sail to Alviso including Jack London, but those days are gone.

In the last 10 years since I have been living in Redwood City, 3 additional marinas have gone. Pete's Harbor – The Peninsula Marina and soon Docktown. If you go a little further north San Leandro marina is gone.

Westpoint Marina is the hope of the future for recreational boating in the South San Francisco Bay. Mark and

his work at Westpoint Harbor is providing leadership and improvements to the thousands of people in the South Bay who enjoy our waters. If this is how someone is treated after 40 years of blood sweat and tears, then who would ever want to take on a project like this.

It appears from reading Mark's response that much of this is due to change of personnel at BCDC and a lack of communication. I hope that you can come to some understanding soon and resolve this matter without an enforcement action, that would serve no purpose.

Sincerely,
Winston Bumpus
805 Seal Pointe Drive
Redwood City, CA 94065

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Saturday, November 11, 2017 at 1:34:02 PM Pacific Standard Time

From: Paulo

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.
- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and

security. We wonder why we are we singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

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We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Paulo Irulegui

"Dawnbreaker"

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Saturday, November 11, 2017 at 2:05:29 PM Pacific Standard Time

From: András Nady

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.

Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.

Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.

Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.

Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.

Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.

Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.

Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!

Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.

We all hear and see people yelling, vandalizing and driving erratically though the parking lot, especially

at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.

Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

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Sincerely,

Andras Nady

"Commute"
1825 Hopkins St.
Berkeley CA 94707

November 11, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

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Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Seamount', with a long, sweeping horizontal line extending to the right.

Steven Seamount

3 Mandalay Ct

Redwood City, Ca 94065

Vessel : White Pelican

Subject: ³Westpoint Harbor Proposed Order No. CDO 2017.04
Date: Saturday, November 11, 2017 at 3:29:04 PM Pacific Standard Time
From: Russ Robinson
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC, Mark Sanders

Russ Robinson, Past President

Recreational Boaters of California

10825, Estates Dr.

Cupertino, CA 95014 VIA EMAIL

San Francisco Bay Conservation and Development Commission, Enforcement Committee

455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102-7019

10 November 2017

With reference to the pending enforcement action regarding Westpoint Marina and Mark Sanders

To whom it may concern:

I am writing to the Bay Conservation and Development Commission's Enforcement Committee in support of Mark Sanders and the Westpoint Marina. I have worked on a number of projects with BCDC to assist in protecting our waterways. These projects have proven to be very beneficial. I have also served on the BCDC Citizen's Advisory Committee regarding boating issues. I am very attuned to what goes on in our water environment. In recognition I have received a number of national awards for my stewardship.

As an example, there was a national award from the National Environmental Education Foundation in 2001 for being the outstanding environmental educational individual in the United States. Another award was from BoatUS as the outstanding individual, I again in the United States, for my work in educating and improving our environment. This award was given in 2008. Numerous other awards and recognitions have been received from local and state agencies. I cite these awards as an indication that I have supported and continue to support environmental issues. My mantra has always been, "educate before you regulate". In the issue before us, regarding the marina, that might be a wise move.

In all of my time working to enhance and protect our valuable resource, the waters of our state and nationwide, I have never seen a more environmentally conscious marina than what we have with Westpoint. Great effort was taken in the design and construction. As an example, the marina has vessel holding-tank-pump-outs near each vessel in it's berth. I know of no other marina that incorporates this feature. There is no need to leave the berth and move the vessel to a stationary pump out station located elsewhere in the marina out of the area. The construction of the berths and their access is exceptional, and is a testament to the care that was taken in the design and construction of this important marina.

The marina is situated on the area of an old bittern pond. This toxic material was a byproduct of the salt making process, and rendered the site useless unless it was environmentally cleaned up. Mark Sanders, in preparation for the construction of Westpoint Marina, cleaned up that hazardous site and he should be commended for returning the area to a productive use. His work returned to the San Francisco Bay, a large amount of water surface that otherwise would be useless. This, I believe, is a stated goal of BCDC.

I have quickly scanned most of the documents that will be reviewed for an enforcement action on Monday, 13 November 2017 against Mark Sanders and the Westpoint Marina. Unfortunately, I have another commitment and I cannot attend but offer this letter of support

It seems to me, at least, that more effort should be made to resolve these issues before the proposed enforcement action is taken.

It appears that an inordinate amount of resources both of the State of California and personal has been expended and continues to be expended on both sides. It seems little, in my view, improvement in the operation of this valuable marina.

Sincerely,

/S/ Russ Robinson

Russ Robinson, Past President

Recreational Boaters of California

Marc.zeppet

November 11, 2017

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We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for

boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Robert Ames Jr.

446 McDuff Ave.

Fremont Ca.

S/V Pescado.

Subject: Input regarding Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Saturday, November 11, 2017 at 4:54:12 PM Pacific Standard Time

From: Robin Weber

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

Dear Mr. Zeppetello,

I was disheartened to read an article this week in 'Lectronic Latitude regarding allegations made by the BCDC against Westpoint Harbor. My wife and I were early tenants in the marina when it first opened. I have read the proposed cease and desist order, and Mark Sanders' statement of defense. I have to say that I am very surprised by some of the items in the cease and desist order.

My wife and I are very environmentally aware and In the time that we spent at Westpoint Harbor, Mark Sanders always exemplified the most ardent support for the environment. We were impressed with the care that was shown during the initial land and marina development, the attention to detail in pump out equipment and respect for laws and regulations throughout the marina. We've stopped at many marinas during the past 6 years and Westpoint Harbor is at the top of the list for high quality facilities and environmental efforts.

We won't be able to attend the committee hearing, but would like to offer our belief that we feel Mark Sanders and the Westpoint Harbor development make a very positive contribution to the south bay and the marine community.

Thank you for considering our input.

Robin & Kathryn Weber

Subject: Westpoint marina security issues
Date: Saturday, November 11, 2017 at 6:35:00 PM Pacific Standard Time
From: Dennis Haussler
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC
Attachments: Westpoint Harbor Proposed Order No. CDO 2017.04 .docx

This harbor is the nicest cleanest harbor in the south bay by far, and Mark has worked hard to take care of it. The tenants there have the right to feel safe, and it appears BCDC is going out of its way to keep that from happening. ALL of the surrounding marinas have locked dock access, why is he being targeted?

Dennis Haussler
dennis@20fathoms.com

November 11, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.

- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!
- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically through the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for

boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

November 11, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, we feel fortunate to have the benefit of staying in such a lovely, serene, and clean environment. What was a very safe and secure harbor, has unfortunately become a place that has put boat owners and liveaboards at risk, due to BCDC's unwarranted demands and restrictions. There have been numerous incidents that have been reported including intruders on private boats and on the docks, the disorderly and lewd conduct of those not staying at the marina, stolen property, discharges of firearms, and vandalism—all due to a lack of security.

All the marinas that we have ever visited have much tighter security, including locked gates so intruders cannot enter. The harbor is our home when we visit the Bay area, and we cannot conceive why the BCDC would single out Westpoint Harbor to impose restrictions that would compromise the safety of individuals, leaving us vulnerable to crime and personal harm, not to mention violations of privacy. For example, in the past, there were signs posted limiting the hours of visitation, which were a good safety measure to help limit those who did not have business at the harbor from being there. The BCDC acted in the best interest of the harbor when approving those signs. However, for reasons we cannot understand, the BCDC has required removal of the signs, even though the Pacific Shore Center located just down the road from us, which is the only access point to the marina, has the same signs posted and are not required to remove them. In the past, we found comfort in knowing marina staff would patrol the property and ask strangers to respect the signs in restricted areas, and prevented intruders on boats. The current conditions are not what the staff want, but it appears that BCDC may be imposing rules and regulations that threaten the security of individuals and their boats. Another example of lack of security is the requirement to leave restrooms/shower facilities open 24 hours a day, which is an invitation to vandalism. We cannot imagine the purpose of unrestricted access 24 hours a day to the facilities in which we take showers.

It is critical that the security of the marina is upheld and maintained. The marina staff wants this as much as those who utilize the marina. It appears that the BCDC is actively taking measures to limit the safety and security of the marina. Perhaps the BCDC has been unaware of the position they have put boat owners and liveaboards in by imposing rules that create safety concerns. Suggestions to help remedy the situation include restoring trespassing signs that would allow police to act to remove strangers after hours, restricted access to showers/restrooms, locked dock gates, more security cameras, and on-site security staff.

We are willing to assist to help keep everyone at Westpoint Harbor safe and hope that this is a goal that is shared by BCDC. Allowing basic safety precautions that are typical of most marinas seems to be a reasonable request, and we would assume the BCDC would approve and require appropriate safety measures.

We look forward to hearing your thoughts, comments, and plans to help the harbormasters provide reliable security again.

Sincerely,

Greg Smedsrud

Susan Martinson

Westpoint Harbor Proposed Order No. CDO 2017.04"

Dear Sir/Madam

I am writing to you in regards to the shocking allegations and bullying tactics towards Mark Sanders on November 16, 2017.

I have had my boat in the harbour for nearly 2 years and it has been my wildlife sanctuary. My father was a wildfowl conservationist in the UK working with Sir Peter Scott and many others,

I was brought up learning about migrating birds and their habitats hence have a huge respect for the wildlife in the bay area. There is not a day where I don't think about him here.

When we came to Westpoint the one thing I loved about this harbour is the respect for the Bay in all areas and was impressed how clear the rules and regulations are to the community here, we are a low key community with a passion for the area and feel very protective about waters, noise pollution etc.

Westpoint Harbour is the cleanest and most respectful harbour we have visited in the bay, you as BCDC should be using this as an example of how a harbour should look and be run anywhere in the world. The boaters and residents are educated and respectful people it is certainly not a harbour for wild parties we are at one with the place. Westpoint enables people to fully appreciate and understand how important it is to protect the bay area, we have had many conversations with the staff who are knowledgeable regarding surrounding wildlife and migration.

We have also travelled extensively around the world, a Harbour is the focus point of a town or village where people go and sit in a cafe, take a walk, rent a kayak or paddle board and enjoy the surroundings which helps educate people for future generations. However a large proportion of harbours around the world and bay area access to the docks are restricted to the public, this is for many reasons primarily for the safety of the public and the protection of private property that is moored within the harbour.

As you approach the harbour down Seaport Boulevard, the area is polluted with many recycling plants including nasty cement, metal and dumping grounds that are all adjacent to the water edge and bay.

They disturb the environment with noisy diesel trains at night and heavy truck traffic every morning. Also there are noisy hovercrafts that pull up on the protected island near our entrance who are working on the electrical towers, I have also seen and heard duck shooting in the area.

I am shocked that you have picked out Mark Sanders and created Petty arguments to gain Financial wealth.

I urge you to rethink and work with this beautiful harbour and knowledgeable residents, it is a wildlife sanctuary and boating community that has helped educate me with the bay waters and wildlife that I have grown to love.

Katy & Dean Hyatt
D29

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Sunday, November 12, 2017 at 11:25:03 AM Pacific Standard Time

From: John Zucker

To: ReceptionDesk@BCDC, Zeppetello, Marc@BCDC

November 12, 2017

Enforcement Committee Members and Commissioners and Mark Zeppetello, Legal Counsel,
San Francisco Bay Conservation and Development Commission

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Hello,

My wife and I own a trawler that we berth in Westpoint Harbor. We are retired and appreciate the opportunity to be members of the Westpoint Harbor community. The marina here is a beautiful, peaceful and environmentally sensitive place to enjoy in our senior years. Thank you to Redwood City, the San Francisco Bay Conservation and Development Commission and Mark Sanders for cooperatively creating such a wonderful place.

I have learned BCDC has alleged that Mark failed to meet certain requirements of his marina development contract and is facing a half-million dollars' penalty. I have read Mark's lengthy response to the Violation Report/Complaint and my reaction is one of bewilderment that such a significant penalty could be proposed for claims that seem to be quickly and reasonably resolved by willing, cooperative and friendly partners.

My first impression is BCDC has administrative insufficiencies related to timely document review and uses the resultant events as evidence to support their allegations against Westpoint Harbor, when the source of the problems is seemingly the delay in reviewing documents.

It also seems clear that BCDC lacks the maritime experience to properly assess their requirements, such as placing informational markers in the middle of a waterway. Another would be BCDC's apparent desire to allow visitors to stroll on the docks in the area reserved for private berthing. Most marinas have regulations and barriers to specifically avoid this, such as locked gates encased by fencing with barbed wire to prevent climbing over or around them.

Casual visitors often fail to realize the possibility to end up in the water and pulling someone out is not a simple matter. Access gates of a private marina should be locked and require a passcode or key to enter. Visitors could request entry at the harbor office, allowing the harbor staff to assess the request. The gates absolutely need to be locked after hours to mitigate the potential for criminal activity. This includes access to the toilet and shower facilities.

If BCDC wants to make a private marina accessible to the public, restrictions should be fairly given to visitors as well as to boat owners. We indemnify Westpoint Harbor from the results of our actions. We have the risk of penalties for non-conformance. We carry insurance with Westpoint Harbor as named insured. We have granted certain waivers to Westpoint Harbor. We have agreed to abide by rules and regulations such as not running or riding bikes on the docks, observing quiet hours, walking dogs on a leash, no fishing or swimming in the basin and non-discharge of any material into the bay. Appropriate regulations should also be imposed on visitors.

Visitors should be limited to enjoying the marina during the hours between sunrise and sunset. Anyone visiting the marina during other hours may not have good intentions. The sunrise to sunset limitation is very common in public recreational areas and any reasonable person would not object to

that.

The marina's landscaping is beautiful. I fail to understand why both sides cannot just declare victory and enjoy the result. Is it really necessary to spend time and money to matters relating to process? Can we not be goal oriented and accept that processes are sometimes flawed and failure to conform are not always the result of evil intentions?

Why is an issue being made of the width of the pathways? They are more than adequate for their intended purpose. We live on Highway 1 in Elk, CA and the driving lanes are either side are eight feet wide, meaning you could drive a truck on our pathways and still have a little room to spare.

The boat launch is among the nicest we've seen. There is plenty of area to turn around, the launch is wide and not too steep and the docking is more than adequate.

Contemporary challenges require contemporary solutions. We boaters are environmentally conscious, using harmless materials to maintain our boats and modern pump outs to dispose of waste. I have never observed the recycle and trash dumpsters to be full and not seen anything but fish and birds in the water. The project seems to be an ongoing environmental success and lacking any benefit from revisionist finger pointing. Mistakes will be made but what defines us is how we handle them. The Enforcement Committee has an opportunity to make a wise decision to direct all parties to review what happened, update the communication, review, approval and filing process, correct any tangible issues and move forward.

Respectfully submitted,

Angela and John Zucker

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Sunday, November 12, 2017 at 11:37:11 AM Pacific Standard Time

From: Shannon Amerman

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC, senator.hill@sen.ca.gov

Dear BCDC Enforcement Committee and Commissioners,

I have been a homeowner at 28 Dover Court, San Carlos, in San Mateo County since 1998; I've been an active boater since 1991 and a strong advocate for clean water and the environment. I've kept at least one boat in San Mateo County for the last 14 years; I've kept my sailboat at Westpoint Harbor since it first opened. I also have a powerboat, dinghy and assorted kayaks and stand up boards. Simply put, I love the sea and the Bay, and every moment I get to spend on the water.

This email is to express my support for Westpoint Harbor and everything the harbor aspires to achieve and provide to the boating community. I cannot think of one negative aspect about Westpoint Harbor. Without a doubt, Westpoint Harbor is the BEST marina in the San Francisco Bay Area, if not the entire west coast! At a time when the San Francisco Bay is experiencing marinas silting in, falling into decay, docks of questionable safety and structure conditions and general commercial failure, the model of business success in harmony with the environment and the Bay is what Westpoint Harbor epitomizes!

Now, as I read through the enforcement actions taken by the BCDC against Westpoint Harbor, I am frankly dumbfounded. Knowing your mission statement is to "protect and enhance San Francisco Bay and encourage the Bay's *responsible and productive use*", your actions are completely counter to your stated mission. In fact, your actions against Westpoint Harbor are completely opposite and overreaching. Westpoint Harbor is surely *the* model for responsible and productive use; a multi-decade development that converted industrial waste land and a slough chocked with abandoned and decaying vessels, into a vibrant, healthy, clean and safe harbor, that provides great access to the bay waters we all love.

I ask you, as a long time resident of San Mateo County and an active sailor, please reconsider your harmful and ill-placed actions against Westpoint Harbor. It's time for the BCDC to turn this around and start promoting Westpoint as the success story that it truly is. It's time for the BCDC to get on the side of responsible and productive use and stop preventing all of us from enjoying the water!

Shannon Amerman
owner SY Agave

Subject: Westpoint Harbor proposed order number: CDO 2017.04
Date: Sunday, November 12, 2017 at 11:48:28 AM Pacific Standard Time
From: Peter Blackmore
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC

BCDC Commissioners
Enforcement Committee Members

All

I have read the complaint and the defence and would ask the Committee and Commissioners take this letter into account.

I have known Mark Sanders for many years and have the highest regard for his integrity, his business conduct and his professionalism. I have also kept my boat at Westpoint Marina since shortly after the marina was opened. I can attest first hand this is an extremely well run marina with the high standards of security, organisation and a strong respect for the environment. As a side note I previously kept my boat at Redwood City marina and whilst well run there is no comparison to the professionalism at Westpoint.

I would have thought BCDC would have applauded the high standards and ethics at Westpoint. If there are differences I would respectfully suggest they be handled in a non confrontational manner as it does not appear to me having read the complaint and defense that it is being conducted in that way. A sad element of vindictiveness appears to be allowed which is not the approach an organisation of BCDC stature should condone.

With respect
Peter Blackmore

Subject: Westpoint Harbor Marina

Date: Sunday, November 12, 2017 at 12:38:38 PM Pacific Standard Time

From: Jean Newey Baker

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

CC: sonya@westpointharbor.com

To the BCDC Enforcement Committee:

In the matter of Westpoint Harbor Proposed Order No. CDO 2017.04, I am writing to express my support for the Westpoint Harbor (WPH) marina and request that BCDC carefully consider all options to work with the marina to achieve the public access and environmental goals of this privately funded marina.

I visited the marina in June of this year considering it for a transient stay while visiting relatives in the south bay. The staff was helpful and gave me a tour of the marina and showed me the public access areas. I independently walked in and out of the marina looking at the facilities, which are beautiful.

I have accessed the Bay via the WPH walkways, boat launch, docks, or other facilities at WPH 1529 Seaport Blvd, Redwood City, CA 94063.

It appears that BCDC permit requirements, including those for unbounded public pedestrian access, at WPH were put in place to provide an enforcement trigger rather than to enhance the benefits of the public or environment.

I believe that WPH owners and employees have consistently taken actions to protect and improve the Bay environment, foster and encourage Bay access by pedestrians and boaters alike, protect the personal security and boating safety of boaters in the harbor, and encourage safe boating in the San Francisco Bay.

It greatly concerns me that the BCDC appears to have undertaken a series of arbitrary and capricious actions that simultaneously harm public access to the Bay while purposefully seeking to cause financial harm and undermine the success of a privately owned marina.

Please start the process of working WITH the WPH marina for successful Bay access and conservation rather than trying to shut down the excellent public access and

environmental improvements to the Bay at the site of the WPH.

BCDC's stated mission is, "to protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations." WPH should be supported and encouraged by BCDC rather than penalized. Marinas and BCDC need to work together to keep the treasure that San Francisco Bay is.

Sincerely,

Jean Newey Baker

S/V Kallisto
Glen Cove Marina
2000 Glen Cove Marina Road #10
Vallejo, CA 94591
435-565-0411 iPhone

Subject: Circumnavigation

Date: Sunday, November 12, 2017 at 1:00:29 PM Pacific Standard Time

From: Steven Willie

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

To the BCDC Enforcement Committee:

We bought our dream boat in Alameda.

We worked on her for a year at the boatyard, one that you subsequently drove out of business, and we spent all of our money at Svendsen's Chandlery, West Marine, Blue Pelican, and around Oakland and San Leandro's many fabrication and hardware businesses. We spent much of our food money in Oakland's Chinatown, an economically depressed area, as you should know.

After that, we splashed our boat and we cruised the Bay Area extensively, learning and preparing ourselves for a circumnavigation. Spreading our money around. We stayed at many of the Bay Area's marinas, and Westpoint Harbor was the best of them.

Now that we've sailed a few thousand miles South, Westpoint Harbor is still one of them.

In the matter of Westpoint Harbor Proposed Order No. CDO 2017.04, I am writing to express my support for the Westpoint Harbor (WPH) marina and request that BCDC carefully consider all options to work with the marina to achieve the public access and environmental goals of this privately funded marina.

I have accessed the Bay via the WPH walkways, boat launch, docks, or other facilities at WPH 1529 Seaport Blvd, Redwood City, CA 94063.

It appears that BCDC permit requirements, including those for unbounded public pedestrian access, at WPH were put in place to provide an enforcement trigger rather than to enhance the benefits of the public or

environment.

I believe that WPH owners and employees have consistently taken actions to protect and improve the Bay environment, foster and encourage Bay access by pedestrians and boaters alike, protect the personal security and boating safety of boaters in the harbor, and encourage safe boating in the San Francisco Bay.

It greatly concerns me that the BCDC appears to have undertaken a series of arbitrary and capricious actions that simultaneously harm public access to the Bay while purposefully seeking to cause financial harm and undermine the success of a privately owned marina.

Please start the process of working WITH the WPH marina for successful Bay access and conservation rather than trying to shut down the excellent public access and environmental improvements to the Bay at the site of the WPH.

Please don't kill every Bay Area marine business that's not backed by a corporation and hundreds of lawyers. There are only about a dozen great places on the entire Eastern Pacific Coast of North, Central, and South America to own a boat or to stop for repairs and refits or to return to after cruising, and the San Francisco Bay is one of them. Stores owned by major corporations are not the reason. We're going to need someplace to return to when we're finished.

Sincerely,

Steve Willie

411 Walnut St #9141

Green Cove Springs, FL 32043

(805)769-2067

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Sunday, November 12, 2017 at 4:24:14 PM Pacific Standard Time

From: Peter Jorgensen

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Marc,

I would like some help understanding this problem.

First, I am very concerned with the proposed order and fines being brought against Westpoint Harbor over alleged environmental concerns, and would like to voice my support for the harbor.

In my experience, I have seen no reason whatsoever for the fines and cease and desist order. The Westpoint harbor is much more environmentally friendly than many of the other marinas I've seen.

These sort of actions also raise eyebrows over the purpose and usefulness of the BCDC, and whether it is actually beneficial or harmful for the San Francisco Bay area.

BCDC's purpose is to "Protect and enhance San Francisco Bay and to encourage the Bay's responsible and productive use for this and future generations".

It is difficult for me to understand how shutting down a marina is enhancing the bay and encouraging it's use for future generations.

What am I missing here?

Thank you for your time,

Peter

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04
Date: Sunday, November 12, 2017 at 4:31:22 PM Pacific Standard Time
From: Alan Cutler
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC

To the BCDC Enforcement Committee:

In the matter of Westpoint Harbor Proposed Order No. CDO 2017.04, I am writing to express my support for the Westpoint Harbor (WPH) marina and request that BCDC carefully consider all options to work with the marina to achieve the public access and environmental goals of this privately funded marina.

I have accessed the Bay via the WPH walkways, boat launch, docks, or other facilities at WPH 1529 Seaport Blvd, Redwood City, CA 94063.

It appears that BCDC permit requirements, including those for unbounded public pedestrian access, at WPH were put in place to provide an enforcement trigger rather than to enhance the benefits of the public or environment.

I believe that WPH owners and employees have consistently taken actions to protect and improve the Bay environment, foster and encourage Bay access by pedestrians and boaters alike, protect the personal security and boating safety of boaters in the harbor, and encourage safe boating in the San Francisco Bay.

It greatly concerns me that the BCDC appears to have undertaken a series of arbitrary and capricious actions that simultaneously harm public access to the Bay while purposefully seeking to cause financial harm and undermine the success of a privately owned marina.

Please start the process of working WITH the WPH marina for successful Bay access and conservation rather than trying to shut down the excellent public access and environmental improvements to the Bay at the site of the WPH.

Sincerely,
Alan Cutler
S/V Sea Witch
Alan.Cutler@gmail.com

12 November 2017

Subject: WestPoint Harbor Proposed Order Number CDO 2017.4

Attention: Enforcement Committee Members and BCDC Commissioners

I own and live in a boat moored in Westpoint Harbor for the last two years. This is, by far, the cleanest and best run marina that I have used in over 40 years of boating. My boating experience includes 27 years as an officer and ship captain in the U.S. Coast Guard. I've lived, served, and sailed ships on the East, West, and Gulf coasts of the US. During my time at sea I've enforce environmental regulations, dealt with drug and human smuggling, saved lives, and worked through many tough situations. My experience is important because Westpoint Harbor is anything but a problem for the San Francisco Bay. Westpoint Harbor is the cleanest and most modern marina in the Bay area. Those of us that travel and enjoy the Bay, are always happy to get back to Westpoint Harbor. The well maintained and modern facilities, dockside sewage pumpout system, pleasant and quiet social environment, professional enforcement of the harbor regulations, and the professional and honest staff make Westpoint Harbor a gem. No other marina or port facility I've used across the United States or Europe can compete Westpoint Harbor. The owner, Mark Sanders has worked diligently to develop an environmentally friendly facility that opens the Bay and the local area while nurturing the environmental health of the area.

The allegations, and more importantly the tone of the proceedings, appear to be contrived to impugn Mr. Sanders' character, professional skills, and knowledge of the marine industry. My personal interactions with Mr. Sanders and his staff have been nothing but open, friendly, and always protective of the environment especially our Westpoint slough home.

If there is a problem at Westpoint Harbor it is due to the BCDC's lack of concern regarding the safety of the harbor area and the need for limited access to the boat and pier areas. There is no excuse for the BCDC opposing Westpoint Harbor attempts to provide commonsense safety on the piers. No other marina in the Bay area is required to allow the general public access to the boat and pier areas, why is the BCDC singling out Westpoint Harbor? Because of the BCDC policies there have been numerous occasions where property has been stolen, people have boarded our private boats, and the general non-boating public is exposed 24/7 to the dangers of the harbor environment (lines under tension, movement of moored boats due to current and wind, associated trip hazards, etc.).

I ask that the Enforcement Committee provide an open 3rd party review of the allegations. A fair review of the submitted documents, the lack of review by the BCDC, and documented unprofessional actions must be openly viewed so the situation can be mitigated. Westpoint Harbor should be viewed as a great accomplishment that breathes life into the south Bay economy and environment.

CDR John E. Harrington, USCG (Ret)

Janet Harrington

Sailing Vessel Tango

PO Box 7295, Redwood City, CA 94063

228-860-0098

Jeh20011995@gmail.com

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Sunday, November 12, 2017 at 6:28:32 PM Pacific Standard Time

From: Dale Bagnell

To: Zeppetello, Marc@BCDC, Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

November 11, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner at Westpoint Harbor, I feel so lucky to enjoy such a beautiful, clean, orderly, and, until recently, secure place. I am writing to ask for improved safety and security at the marina and to ask why the BCDC has made so many unreasonable restrictions that put our safety at risk.

In recent months, many boat owners and liveaboards have reported isolated incidents that we discuss and share when we meet in the laundry or in the parking lot. When taken by themselves, the incidents seem small, but, taken together, they are increasingly frequent and more severe. And they are making many of us feel very unsafe. Some examples include:

- Michelle F was awakened from a nap by a couple placing their toddler on her boat, for a photo; then the mother climbed up after. Michelle had to confront them and force them to get off of her boat.
- Michelle O found a strange man, not a boat owner, on the back transom of her boat, in conversation with her two young girls. She had to order him off of her boat.
- Bri O, saw a naked man wearing only a shirt, with no pants or underwear on, riding his bike around the marina. He was chased away by police, but he scared her to death when he returned a little while later (with pants on) while she was alone in the parking lot loading her one-year old son into the car.
- Holly and Stephen E watched the police haul a screaming man off the docks; he had attended a BBQ the night before where he got drunk. Still drunk the next day, he and a friend returned to the docks through the unlocked gates and began boarding vessels, yelling and screaming, until the police hauled him away.
- Bri and Kris O had their bicycle and baby trailer stolen from right in front of the harbor house. That same night, when Stephen E. left for work at 3am, he found that his car had been tampered with.
- Ellen D leaves for work around 4:30am most mornings; she encountered a man lounging on a bench one morning in the dark parking lot.
- Also, Ellen and her husband saw two men taking pictures by a boat on B dock. The men ran away when Michael tried to ask what they were doing.
- Karen G and others are constantly asking intruders to leave the docks. Boat owner, Jack S, reported finding a homeless person trying to move onto his boat!

- Only a few nights ago, the police arrested someone in the storage area. The intruder was well known to them, and they required him to leave, but security is so lax that he soon returned; Ricardo, the marina maintenance worker, had his chainsaw and other tools stolen later that night.
- We all hear and see people yelling, vandalizing and driving erratically through the parking lot, especially at night when no staff is around. We find empty bottles and needles, trash, and other rubbish when we're out in the morning.
- Because the San Mateo County Correctional Center is nearby, the police report that more and more vandals and homeless people are attracted to the marina because they have heard that less and less security is allowed. In two incidents, strangers discharged firearms. In one case, four people in a car were shooting pistols at bottles on the path.

We all travel on our boats throughout the Bay Area. Every other marina that we visit has locked gates for safety and security. We wonder why we are singled out by BCDC and not allowed to lock our gates? They even require that the showers that we use must be left unlocked 24 hours per day, every day of the week. The constant vandalism in the restrooms is disgusting.

We all remember that marina staff used to patrol the property and advise strangers to observe and respect the signs in restricted areas. Staff used to be able to ensure that strangers could not board other people's boats by land or by sea. They maintained a high level of security in the harbor, so we know that the current conditions are not what they want either.

We now hear rumors of new rules imposed by the BCDC, and that the marina staff's hands may be tied with regard to keeping people and their boats safe. For example, there used to be signs limiting the hours of visitation from sunrise to sunset. The BCDC previously approved these signs, but now they have forced their removal with the threat of huge fines. We do not understand this move since Pacific Shore Center next door, the only access point to our marina, has the same signs posted with no interference.

Safety and security measures are needed. We know that the marina staff wants to help, but they are continually blocked by the BCDC. The truth of the matter is that people are afraid. Some liveaboards have husbands who travel or who leave in the early morning hours; there are women and children sleeping alone on unlocked boats every night, and they now feel that they are in danger. Also, none of us has many possessions, so what we have is precious. We want to feel safe. To address these issues, we propose the following: 1) hiring security for the marina itself, the harbormasters are no longer able to keep up with the number of intruders, vandals and trespassers, 2) installing more security cameras, 3) locking the dock gates, 4)) controlling access to the restrooms and showers, 5) restoring the signs that prohibit trespassing after sunset and before sunrise so that police have recourse if strangers come here at night.

We are willing to help accomplish these goals or others that would help keep the people at Westpoint Harbor safe. We hope that we are wrong, but the BCDC seems to care little for boaters, especially those of us who live on boats, and realize that most of the normal security and safety measures found in most marinas are being forbidden by BCDC in our marina. We wonder, why are we being singled out with this nasty behavior?

We are part of the public that needs safe access and security to our property. I look forward to hearing back from you to know more about your thoughts and plans and to hear that the harbormasters will be allowed once again to provide reliable security.

Sincerely,

Dale Bagnell

S/V MoonShadow Slip B28
650 933 0333
dbagnell@hotmail.com

Subject: Westpoint Harbor Proposed order #CDO 2017.04

Date: Sunday, November 12, 2017 at 6:54:31 PM Pacific Standard Time

From: Rick and Petra Gilmore

To: Zeppetello, Marc@BCDC, ReceptionDesk@BCDC

Dear Enforcement Committee Members and BCDC Commissioners,

My wife and I have just now been made aware of this pending action regarding Westpoint Harbor and we are deeply disturbed by it.

My wife Petra and I are active sailors in the South Bay and we are both Past Commodores of Redwood City's Sequoia Yacht Club. Our club is very active in promoting environmentally friendly recreational boating in the South Bay. Our club is an active partner in this with the Port of Redwood City and Westpoint Harbor, in fact many of our members keep their boats at Westpoint Harbor. Our club has been at the forefront in bay-focused events such as "coastal Clean-up day" and the "Dock Walker" program.

We have known Mark Sanders for 15 years and he is a member of Sequoia Yacht Club. In our conversations regarding his vision of developing Westpoint Harbor, it has always been extremely evident that he values creating a premier, environmentally friendly, recreational boating facility in the South Bay. Due to his vision Westpoint Harbor includes state of the art "green" pump out facilities at each slip, close control and observation of the boats in the marina to assure their boats don't leak and all posters and information readily visible to educate boaters on the need for clean boating.

It is our opinion that Mark Sanders and Westpoint Harbor marina are examples of what the BCDC should be holding up as a template for responsible use of our bay.

We humbly request that you dismiss these actions against Westpoint Harbor and allow him to get back to work creating a place of "green", environmentally friendly recreational boating.

Respectfully,

Rick Gilmore
Past Commodore
Sequoia Yacht Club

Petra Gilmore
Past Commodore
Sequoia Yacht Club

130 Kelton Ave.
San Carlos, CA. 94070



Sonya Boggs • PO Box 6918 • Redwood City, CA 94063 • 617.314.0895 • sboggs@gmail.com

November 12, 2017

TO: San Francisco Bay Conservation and Development Commission (BCDC)
marc.zeppetello@bcdc.ca.gov
info@bcdc.ca.gov

ATTN: BCDC Enforcement Committee Members
BCDC Commissioners

RE: Westpoint Harbor Proposed Order No. CDO 2017.04

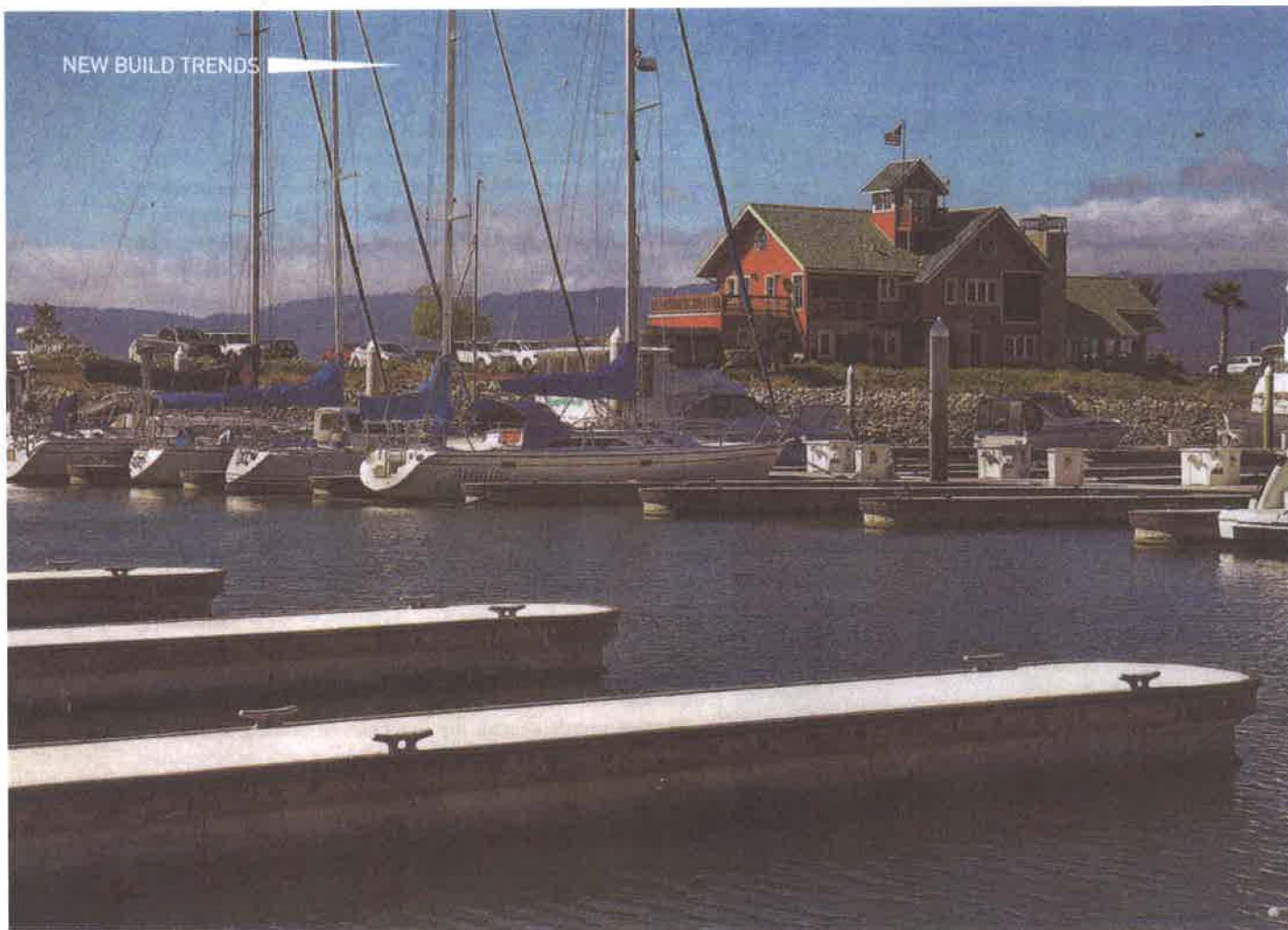
As a California taxpayer and environmentalist, I am appalled that you are using precious California tax money against a person or business that is improving The Bay. Mark Sanders has turned a chemical-laden bittern pond into a pristine harbor that has resulted in 26 new acres of San Francisco Bay and 24 acres of new waterfront. In addition to creating an attractive and safe modern facility for boaters, which San Mateo County greatly benefits through use taxes, Westpoint Harbor is also a beautiful extension of the Bay Trail, which gives Californians (of all means) safe access to our precious waterfront and its renewed wildlife. Mr Sanders is also community minded, for example, Westpoint Harbor hosts the annual [Stanford Treeathlon](#) (triathlon) and the testing of the marina water before each race has shown the harbor to be sewage-free and arguably cleaner than the bay.

As a sailor and businesswoman with clients in the marine industry, I am alarmed by the BCDC staffs' misguidance when it comes to general marine safety. Westpoint Harbor has been identified by industry leaders as an exemplary marina—due to its facilities and practices—and are continuously asked to compete for the esteemed Marina of the Year award. Please reference the attached article *Marine Profile: Mark Sanders' Westpoint Harbor, December 2015* from a leading trade publication.

As a professional mariner and yacht owner, Westpoint Harbor has been my marina of choice for 5-years and counting because of the continued focus on the details that are important to boat owners, the community, and our shared environment. Westpoint provides and enforces Harbor Rules and Regulations for its boaters and Best Management Practices for its vendors, and together these guidelines help everyone to be good stewards of the bay. Westpoint Harbor is a certified Clean Marina and provides convenient pump-out at every slip, reducing the chance of any discharge into The Bay.

If you have visited other marinas in The Bay and Westpoint Harbor, then you must understand my consternation over BCDC's violation report/complaints directed towards Westpoint Harbor. I believe Mark Sanders should be commended for his perseverance, accomplishments, and contributions to The Bay Area.

Respectfully submitted,
Sonya Boggs



Mark Sanders spent 25 years planning his marina in South San Francisco Bay. Westpoint Harbor is the first new marina in decades and targets larger boats, which until its opening had no where to dock in the area.

Marina Profile: Mark Sanders' Westpoint Harbor

by Robert Wilkes

When Mark Sanders told the U.S. Army Corps of Engineers he planned to build a new marina in South San Francisco Bay, they had one question: "Are you crazy?" Waterfront development in the Bay is cited as second only to the nuclear power industry in terms of legislative difficulty. Many counseled him to save his money.

Sanders began researching the idea of a marina in Redwood City in 1988. "I felt sure a marina at this location would be successful," Sanders said. "I've been a resident and boater in the area for decades, and was distressed to see South Bay boatyards and marinas closing one-by-one. Recreational boating was fading due to the high value of land (in the middle of Silicon Valley), the difficulty of maintenance dredging, and the lack of suitable sites. The South Bay once boasted a dozen boatyards but none remain. Moreover, as a director for Marine Science Institute (a non-profit organization that teaches marine science to school kids), I was on a mission to find a permanent home for the Institute and stem the decline of boating at the same time."

Sanders attended the well-known Marina Development course at the University of Wisconsin and quickly learned that his notion of three years and 10 million dollars to build Westpoint Harbor was way off. "All developers are optimistic," Sanders said, but he never imagined it would take 25 years to complete just the marina part of the project.

In 1990, Sanders was able to purchase part of a pond from Leslie Salt (now Cargill). The site was used to store chemicals that remain after harvesting table salt (Halite) from sea water, which is called bittern. Once the bittern was removed the more difficult problem remained. The site was 35 to 40 feet of saturated Bay mud right down to hardpan, surrounded by an earthen levee. Geotechnical analysis predicted it would take 35 years for the site to fully dry and settle, and worse, the site was on a channel choked with abandoned and sunken vessels, including a 120 foot tug!

Another layer of difficulty was the dozen federal, state and local agencies with jurisdiction over the Bay, each with its own requirements, which often conflict with each other.



Single-piece finger piers with rounded ends and warm wood trim make up the clean lines of the floating concrete docks. The rounded piling are internally mounted, and an HDPE ring, mounted under the dock, acts as a bearing and scrapes the pile clean of shell life.

The challenge was getting them all to say **yes** at the same time (one agency actually regards marinas and boats as undesirable fill that must be mitigated!) Despite these obstacles and with the support of a wide variety of maritime and environmental organizations, Sanders was able to get the project permitted in 2003.

Market Analysis

"San Francisco Bay is the largest land-locked harbor in the world," Sanders said. "It has nearly 60 marinas, mostly old with slip mixes heavily weighted toward small boats (at least small by today's standards, not so in the 50s). Municipal marinas are often prohibited from displacing smaller slips with larger berths, and many marinas loathe to face the legislative challenges and expense to rebuild and update facilities."

Westpoint Harbor is the first new private marina in the Bay in decades, and targeted larger berths from 36 to 120 feet. Cynics noted there are few large recreational vessels in the Bay, but Sanders correctly reckoned this was partly because

there are so few places to berth them.

Sanders cultivated allies who stood with him at the interminable permitting meetings, including individuals from Stanford University and the Audubon Society and environmentalists such as former Manhattan Project physicist Dr. Ralph Nobles. There was no public opposition to his project; nonetheless, the permitting process took fourteen years.

Sanders retired from a long career in technology (he had been an executive at Ampex Corporation) and as it became clear this project was not going to happen quickly, he was recruited out of retirement and joined Pinnacle Systems as CEO. Over the next decade the company grew from 21 to more than 1,000 people, went public and became a powerhouse in special effects and graphics for the television industry with revenues of \$500 million. He retired again when the last permit was in hand. This happy circumstance allowed Sanders to set his sights higher. He resolved not just to build a marina, but a **great** marina.

His research showed the best marinas are equal parts water and land, with shore-side amenities necessary for a full-service marina. This was consistent with his target market of larger boats and with the demographics of Silicon Valley.

"Larger vessels change the dynamics of boating and affect the makeup and quality of the marina, as well as amenities needed to serve them," Sanders said. "Westpoint Harbor's exceptional climate makes boating a year-round activity, and boaters spend a great deal of time aboard, even in their slip. And larger vessels often can reach cruising destinations faster by water than car!"

Construction

Construction began in 2003, and the first task was to tackle the 35 to 40 feet of supersaturated mud. A frequent traveler to Europe, he often visited Holland. There he met with experts on how to rapidly "dewater" deep mud. He finally employed a Dutch process called "wicking," essentially driving thousands of flattened tubes (called wicks) straight down to hardpan with an associated drain and pump system. Dirt is piled on top (called a surcharge) to press trapped water to the surface. In all, 50,000 wicks 40 feet long were installed. The site was 90 percent dewatered in less than a year and fully settled in 36 months. This allowed the heavy construction equipment for excavating the 26-acre marina basin to operate. The wicking process eliminated long-term settlement issues, which often plague shore-side developments. The excavated mud (600,000 cubic yards) was dried and compacted and used to form the 24 acres of uplands for the shoreline developments.

Since the mud was free, it was an easy choice to add a few extra feet of elevation to bring the final surface well above projected sea level rise height, more than 10 feet above mean sea level. When the excavation was complete in 2006 and the channel was breached to fill the basin, Sanders had created 26 new acres of San Francisco Bay and 24 acres of new waterfront from salt ponds and mud that was regarded as impossible to build on.

The marina is protected from wind and waves by Greco Island, a wildlife refuge surrounding the windward side of the

harbor. "This permits a 300-foot wide entrance to the marina," Sanders said, "and allows a complete exchange of water each tidal cycle. And the shape and depth of the harbor reduces choppiness by cancelling reflected waves. Together with a universal pumpout system, we have an exceptionally clean marina—so much so that Stanford University hosts its national triathlon in Westpoint Harbor each year."

Docks

Sanders was determined to build a marina designed from the boater's perspective. As an active sailor he visited marinas around the world and knew what worked and what didn't. After talking with dozens of manufacturers, he chose concrete docks from Bellingham Marine. "I had ideas that others had not tried before," Sanders said, "and went in thinking concrete docks are 'old tech.' But Bellingham Marine had answers to every question and said, 'Let's go to work and figure out how to do it.'"

Rounding the end of the dock fingers was high on Sander's list of boater-centric innovations. "Removing those hard corners takes the terror out of docking," he said, "often the scariest part of boating. Instead of avoiding the sharp corners, which can be so damaging, boats can lay against the rounded end and slide right into the slip!"

Bellingham Marine also built single-piece fingers up to 55 feet long to avoid twisting, sagging or hogging. Docks have internal round piles with circular pile guides under the deck

for a clean look. Sanders wanted to eliminate external pile guides, which can damage hulls, injure bare feet and snag sails and lines. Bellingham Marine designed HPDE ring guides that have the added benefit of silently keeping the piles free of mussels and shells. Finally, Bellingham installed special wood-stained glu-lam walers eliminating the characteristic hatch marks and copper-green color of pressure-treated wood.

The marina was partially completed and opened in 2008. Construction continued and the marina is now in its final configuration with 416 slips from 36 to 120 feet, a 1,000-foot guest dock, and a dozen catamaran berths. Phase II, now in progress, is adding a fuel dock and a full-service boatyard. Phase III will provide a retail area with a 1,000-foot boardwalk, restaurants, yacht club, marine store, rowing center and other marine-oriented businesses.

Sanders was not interested in simply building docks out into the Bay with a parking lot. "Even though that could be the most profitable path," he said, "our vision for Westpoint Harbor is a maritime resort for boaters, with extensive facilities to support recreational boating from standup paddleboards, kayaks and kiteboards to superyachts. And, of course, we expect to see future boaters and others who just want to look at boats."

Accents and Amenities

Some innovations Sanders wanted, such as rounded fingers, are now more commonplace in the marina industry. In his "a marina from the boater's perspective" logic, little things are important: hardwood accents help create a premium-marina impression, dockboxes are on the upwind side so boats are unlikely to damage them, and the facility has a sophisticated Wi-Fi system.

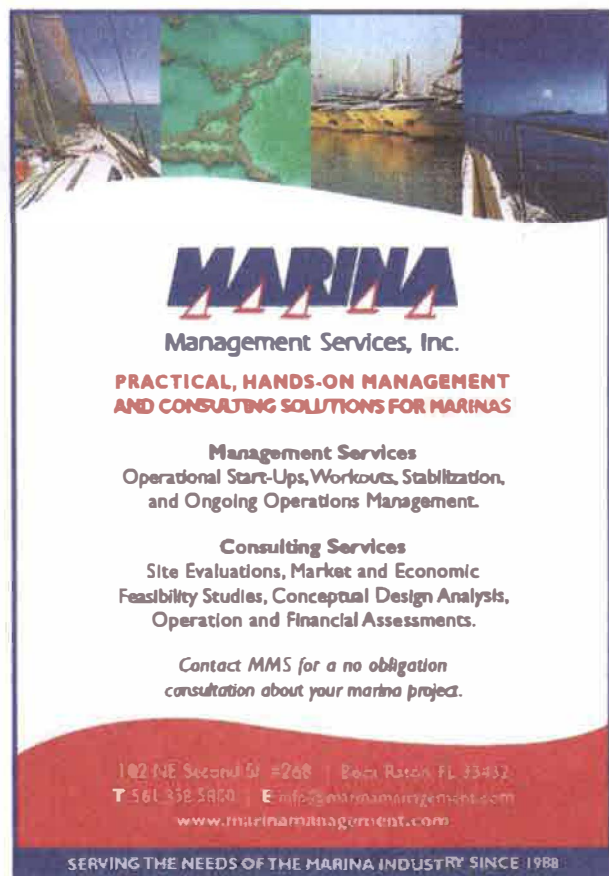
Westpoint Harbor is a certified Clean Marina and the only harbor in Northern California to offer a pumpout at every slip. "It's so easy, everyone uses the system," Sanders said. "Routine water tests show the marina is cleaner than background levels for the Bay. Noticeably absent in the marina are neglected or derelict vessels. Westpoint harbormasters inspect all vessels prior to arrival in the harbor, catering only to active boaters with well-maintained vessels."

In addition to free Wi-Fi and a dedicated phone/DSL line to every slip, Westpoint Harbor offers a premium Gigabit-capable Wi-Fi system. "Wi-Fi is essential," Sanders said, "and is often a source of complaints for marinas. We designed our system such that there are no blind spots and no bandwidth limit. The system has a range of up to a mile and not susceptible to the normal 'slump' in the evening when web activity is at its peak."

Microclimate

Why Redwood City? It's the climate. "We have classic Mediterranean weather; rain in winter, dry in summer," Sanders said, "We average 66 degrees in winter and 77 degrees in summer. "Often, when San Francisco is a chilly 60 degrees and drizzly, Westpoint enjoys short sleeves weather just 20 miles south." ⚓

Robert Wilkes writes about the marina industry from Bellevue, Washington.



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November 12, 2017

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

To: marc.zeppetello@bcdc.ca.gov

Cc: info@bcdc.ca.gov

Attn: Enforcement Committee Members and BCDC Commissioners

As a lifelong sailor with extensive experience cruising marinas in CA, the US East Coast, and Europe, it appears that the BCDC staffers have allowed their vendetta to cloud their judgment and are performing a disservice to the San Francisco Bay in their aggression towards the WestPoint Harbor Marina project.

The Westpoint Harbor Marina project has revitalized the water-oriented recreational uses of Redwood City's shoreline by providing access for kayaking, sailing, sculling, rowing, car-top sailing, and the like. With the loss of public open space, the public increasingly looks to the bay, the region's most abundant open space, for recreational opportunities. Water-oriented recreational uses are an integral element of the recreational opportunities that span the San Francisco Bay Area and add to the community vitality and quality of life that the citizens of the region enjoy.

The Westpoint Harbor Marina project is much more than access to the water's edge; it is providing access to The Bay for sailors and mariners of all means.

It is apparent that the BCDC staffers are not mariners and lack a basic understanding of safety and respect for the water. Consequently, the BCDC's mandate should cease and desist at the water's edge and this should be left to the maritime professionals within U.S. Coast Guard agencies. Nobody would deliberately put a gun in the hands of a toddler, and likewise, nobody should be allowed to wander the docks un-supervised.

As sailors and mariners, we are in-tune with our environment and serve as stewards of the oceans. We are the first to experience the climate change and are intimately aware of the dangers and the consequences of our actions. We are not reliant on navigation marks or signage, as these represent single modes of failure and create a false sense of security. Instead, it is better to educate and create an intuitive awareness of one's surroundings by promoting safety.

Mark Sanders and his lifelong dream of promoting a community of like-minded sailors and mariners of all means has revitalized the Redwood City shoreline and stands as a model for the revitalization of the San Francisco Bay's aging marina infrastructure. BCDC has overstepped their original mandate.

Sincerely,
Paul Kettle PhD, RYA Yachtmaster
S/V Event Horizon
PO. Box 6918, Redwood City CA 94063
paul.kettle@gmail.com

Subject: A Tale of Two Cities - My Two Boats and Their Two Redwood City Marinas - Westpoint Harbor
Proposed Order No. CDO 2017.04

Date: Sunday, November 12, 2017 at 7:33:23 PM Pacific Standard Time

From: J Morris

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC, Jonathan A Morris

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a boat owner with two boats, each docked in a different location within Redwood City, I feel that I have a somewhat unique perspective regarding sincere safety concerns that I have personally had since bringing my new boat to Westpoint Harbor. To begin with, I have kept boats at many marinas/harbors up and down the California coast, and can honestly say that, by far, Westpoint Harbor is the most beautiful, best run and most clean that I have experienced. My concerns regarding safety include the different experiences I have visiting my two boats.

At the other marina I am required to use a key fob to enter the gate and the restrooms are locked with only key fob access. My boat their has never been broken into and the families and ladies utilizing the restroom and shower at night, from conversations that I've had with them, have not had any problems with feeling unsafe or insecure. On the other hand, I was surprised to find that our boats at Westpoint Harbor are completely open for anyone to walk up to with no lock or key fob required to access the gate to the docks. The restrooms are not locked and are open for anyone to utilize the shower or vandalize. The young girls and ladies that are taking a shower are prone and vulnerable with no lock to protect an intruder unknown to them or the marina!

Recently I had an experience that I would like to share. I work in surgery at a local hospital and sometimes, when on surgery call, I prefer to relax or sleep on my boat in Westpoint Harbor. Not long ago, early in the morning (approx. 03:30 am), I was driving to my boat from the hospital after being called in for emergency surgery, and witnessed an individual unknown to me in the marina parking lot on his bike with a backpack looking at vehicles. I stopped my vehicle and asked if he had a boat in the marina. He didn't answer and simply took off riding his bike toward the entrance. On another occasion I ran into a person who was "sight-seeing" and walking past the gate along the docks next to the boats. After finding out that he didn't have a boat there I kindly asked him to please leave. Whether that person had a nefarious motive or not I do not know, however, if the prevention of individuals that do is possible we should/Westpoint Harbor should be able to take steps that enhance our safety i.e. placing locks on the gates leading directly to our private property and sleeping families.

I have a small 7 year old niece Olivia, and an aging mother who occasionally visit. I have serious concerns about letting my family stay on my boat in Westpoint Harbor at night without me or another male family member because of the safety concerns that I have. I have instructed guests not to use the bathrooms or showers near the marina office because of my safety concerns. I have never had these concerns at my other boat in the marina with locked gates.

Parity/equality are an essential, fundamental right for everyone. People only want to feel that they are being treated fairly. When safety of our family, women, young girls, children are being placed at risk it's time to ask why is this happening? Why can I go to my other boat a very short distance away, still in Redwood City, and feel secure with my family, mother and niece staying on my other boat alone at night and not in Westpoint Harbor? Some sanity needs to find its way into this matter. Think of your own children, mother, grandchildren, wife or family members. I'm sure if this matter is considered carefully and with reason those in authority will indeed be as considerate about our children, mothers, wives and family members.

Sincerely and with appreciation,

Jonathan A. Morris

Dr. Christoph Bussler
Barbara Bussler
"Adventurer" - Westpoint Harbor, G14

November 12th, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members
Attn: BCDC Commissioners

Redwood City, CA, was founded based on the existence of a harbor (https://en.wikipedia.org/wiki/Port_of_Redwood_City) and the city's successful history is in major aspects rooted in the access to international waterways. Westpoint Harbor is one of the latest developments in the succession of harbors and a fantastic resource to the city and the Bay Area from many different viewpoints:

Wider Community (City, Bay Area)

- Residents of Redwood City and other cities in Bay Area actively use the easily accessible Westpoint Harbor and the area around harbor as a recreational destination. People from all walks of life jog, stroll around, relax on benches and thereby enjoy nature while reducing traffic; the accessible rest rooms are an important aspect of this and are well accepted. Plenty of parking is available and makes access to the harbor and area extremely easy
- The Redwood City fire department maintains a boat at the harbor which is an important tool for fire safety
- Schools and youth organizations visit the harbor, especially when educational sailing boats like the "Call of the Sea" (<http://callofthesea.org/>) are visiting. Numerous school classes came for a visit; and based on the student's behavior for many this was the first time in harbor and on a boat. Imagine the horizon that opened up for the student because of Westpoint Harbor.
- The coast guard pays regular visits and stops at the guest dock to refuel its boats allowing it to fulfil its duties regarding ship traffic oversight
- 101 Surf Sports provides surfing education to the community and opens access to water sports to anybody interested
- The boat ramp is regularly used by boaters who enjoy the Bay with their own boats; necessary amenities like a long water hose for boaters to clean their boats is well established and provided

All this draws significant crowds to the waterfront in a save, enjoyable as well as environmental and wild-life respecting way.

Westpoint Harbor Community

- For the citizens who own a boat at Westpoint Harbor, this is like any other regular community, like any housing development in the Bay Area

- People care about each other and for each other; boaters watch out for each other and their boats, in a respectful, but caring way. This community is tighter than many housing development and in this time and age this is an important aspect.
- The boat owners have a significant positive business impact to local shops, restaurants, local businesses and local contractors.
- Many children can be seen on boats and those children have a unique and forming access to the nature as well as boating experience. This builds personality as well as a deep sense of responsibility, respect for the elements, in addition to the knowledge about water, wildlife, navigation, safety, boating rules and regulations

Personal

- For us personally, our American Dream was owning a boat as we have enjoyed boating from when we were children; Westpoint Harbor is providing us the opportunity in the Bay Area for which we are thankful
- For us, our boat is the center of our life, as for many it is a house
- Boating provides us a connection to nature, as well as a deep sense of humbleness in face of the forces of nature
- A boat allows us to maintain a small footprint in terms of energy use and waste generation, which given the rise in world population is important to us

Westpoint Harbor and its Management

- We have seen many harbors in our live, in the US and Europe, new ones and harbors many hundred years old; Westpoint Harbor is on one of the best managed harbors in total respect and harmony with nature; we surveyed all harbors in the Bay Area before making our choice and Westpoint Harbor is the best harbor in the Bay Area, hands down.
- While Redwood City has a commercial harbor, it also has many non-commercial harbors and Westpoint Harbor sets a very high standard that others can learn from
- The harbor staff, led by Mark Sanders, is extremely professional, fast in addressing issues, respectful, helpful, always promoting and respecting the rules of custom and the law, while emphasizing the care for the environment and wildlife
- The rules of Westpoint Harbor are extremely well and clearly spelled out so that as a boater there is no question about the expectations and the legal constraints. Mark Sanders and the staff ensure that boaters understand and obey the rules in order to stay safe and be environmentally sensitive
- A very big motivator for us was that the harbor is very environmentally sensitive and operating well within the bounds of the law; Mark Sanders and his staff make sure of this

Safety

- Every "home" in America should be safe, be it a house, a trailer, a RV or a boat. Westpoint Harbor has all the preconditions for a safe community if it were allowed to operate properly like clear rules of trespassing and access restrictions (like locks)
- A neighborhood should have the ability to stay safe and remedy issues; with the crisis in city, state and government funding, responsibility must be allowed to be taken up by the community itself with the help of local authorities

Environmental Embedding

- A very important feature, the ability to pump out waste without leaving the berths, is unique for all harbors we have seen throughout our life, and we do not know of a harbor in the Bay Area that is that organized of waste management
- Trash containers are readily available and sufficient in size to easily accommodate all water needs; no trash can be seen in or around the harbor
- Restrooms and showers are available reducing waste and preserving energy through centralization reducing the overall energy and waste footprint
- The harbor is extremely well-designed without any unnecessary surface sealing; walkways, where save and possible are not sealed avoiding water run-off

Wild Life

- Birds (pelicans, cormorants, white herons) fish in harbor constantly throughout the day enjoying the quiet harbor and clean water
- A wide range of wildlife (like sea lions) is active and visible within and around the harbor
- Dog owners keep dogs on leash consistently and thereby avoiding any negative impact to the local wildlife

A well built and well managed harbor like Westpoint Harbor that has significant positive impact to the wider and harbor community and therefore should be supported by all means possible from the city as well as organizations like BCDC in order to continue to be a great asset and to grow into an even greater one for generations to come.

As a California taxpayer I expect that BCDC is providing input and constructive feedback to the harbor in a professional way, based on facts, clarity, transparency and accountability. Rumors, assumptions, non-researched assertions and generating conflicts with other state agencies have no place; instead, support, encouragement, positive leadership and innovation are in order to make water accessible to the wider community as it is done for roads and airways.

Respectfully,

Christoph and Barbara Bussler

Subject: Comments Regarding Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Sunday, November 12, 2017 at 11:44:57 PM Pacific Standard Time

From: Bob Wilson

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC, Mark Sanders, Doug Furman

November 11, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

c/o Mr, Marc Zeppetello

marc.zeppetello@bcdc.ca.gov

CC: info@bcdc.ca.gov, Mark Sanders, Westpoint Harbor, Congresswomen Jackie Speier, Senator Diane Feinstein, Governor Jerry Brown

Thank you for the opportunity to address my concerns regarding the Proposed Cease and Desist and Civil Penalty Order No. CDO 2017.04 related to Mark Sanders and Westpoint Harbor, LLC. I plan to attend the hearing this Thursday morning in San Francisco and am anxious to testify on the record at that time.

Summary

I am very familiar with Westpoint Harbor, the San Francisco Estuary and Mark Sanders. I am committed to our environment and appreciate the need for institutions to help us protect, and responsibly co-exist with precious resources like our estuaries, bays and oceans. I have read the BCDC Strategic Plan updated in June 2017 and avidly support its stated mission. However, this enforcement activity by the BCDC Staff (Staff) is a detriment to that mission. Staff is diverting resources away from enhancing our environment and from the people it is meant to serve. Massive and precious resources are being wasted on minor disagreements which could be resolved amicably. Those wasted resources ought to be put to much better use supporting BCDC's mission.

To remind us all of the BCDC mission it is as follows:

The San Francisco Bay Conservation and Development Commission (BCDC) protects and enhances San Francisco Bay and encourages the Bay's responsible and productive use for this and future generations.

The creation and operation of Westpoint Harbor is completely in sync with the stated mission of the BCDC. The activity of the Staff is in my view misguided and wrong. Reasonable people will have disagreements, but Staff efforts have escalated to levels not commensurate with the issues they raise. Millions of dollars and thousands of hours are being wasted. I call on the BCDC Commissioners to get the Staff and these discussions back on a more positive track. I am hopeful this will happen quickly and will do all I can to help.

Reluctantly, I am calling on other elected representatives and the media to intervene to take a fresh look at this injustice. Once a spotlight is put on this situation by independent parties, I believe a sensible resolution will result, and resources on both sides will get back to working cooperatively on the mission so clearly stated above.

Background

I have read the Violation Report/Complaint Number: ER2010.013 and the Respondent's Statement of Defense. I have also reviewed the June 2017 Strategic Plan for the Bay Conservation and Development Commission.

I am a long-term resident of Redwood City. I have sailed and cruised extensively in San Francisco Bay and the Delta for over 30 years. I maintain both a classic sailboat in Sausalito and a vintage Grand Banks berthed at Westpoint Marina. I am a former vice commodore of the Sausalito Yacht Club and a long-term member of the Monterey Bay Aquarium. I am a supporter of Save The Bay in San Francisco and Save the Bay, Narragansett Bay in Rhode Island. I am a member of Sail Newport and the Herreshoff Maritime Museum in Rhode Island. I have also served as a board member of the Marine Science Institute in Redwood City. My wife and I have been fortunate to reside in Redwood Shores, steps away from the San Francisco estuary, for more than 20 years. We also spend several months a year living by the water on the Sakonnet in Rhode Island enabling us to be closer to family for part of the year.

The comments that follow are based on many years of living on and near the San Francisco Bay & Estuary. They are formed after being involved with many organizations and people dedicated to both promoting better understanding, responsible activities and productive use of this precious and unique resource. Our continued viability as residents of the Bay Area and those of future generations depend on us all getting activities near and around this bay and estuary right.

Mark Sanders

I have known Mark Sanders since I first arrived in the Bay Area in 1983. He was first my boss, later my mentor and then my good friend. We have worked, sailed, cruised and spent great times together and with our families. We have helped each other through tough times too. Together we have built teams and companies. We have restored and preserved old boats others would have abandoned. We have shared the challenges of running large companies and as well as building small ones into bigger sustainable organizations. In business working together, we have helped create many jobs. We have not always agreed nor have we always had success. I think I know Mark as well as anyone and fortunately count him as a true friend. In short, we have lived full lives and (mostly) enjoyed our times together for almost 35 years.

In all the years we have known each other, I have known Mark to be a person of the highest integrity. When we do disagree, I have always known that it was from a different perspective and not one of self-promotion or avarice. I also know, that when Mark believes he is right, he will not sacrifice his principles for short term resolution of any major issue even if that is the expedient thing to do. Doing what is right, and doing it the right way, is what guides my friend Mark Sanders. This highest of qualities is I believe often to his financial detriment. However, it is always a credit to him and what he is about. I know there are literally thousands of people Mark has touched in this way who will gladly testify to these qualities and how Mark approaches his responsibilities. They range from people we have met in our work in the global media and video markets, to people and institutions we encountered in technology, finance, and legal professions as well as environmental groups, government agencies, government staff and elected representatives.

I have NEVER found a situation where Mark was unable to sort out a difficult problem and bring equitable resolution to even the most difficult dispute. I have NEVER known anyone that could not be brought to a place of agreement and reasonableness in any major disagreement or problem that Mark has encountered. Until now. In my considered opinion, the Staff of the BCDC, and specifically the enforcement staff, is contorting the mission of the BCDC for some misguided purpose and must be held accountable and reined in by the Commission before more serious damage is done.

Westpoint Harbor - The Marina Project

Mark started discussing the need for this resource in the late 1980's when we worked together at AMPEX in Redwood City. Marinas were disappearing at an alarming rate. We visited abandoned facilities in Alviso and Palo Alto. Together, we mourned the loss of Peninsula Marina and others we and our friends had relied upon. In those days, we feared the loss of Pete's Harbor, a long-standing Bay Area institution. Mark anticipated that without some creative action, people would simply have no way to easily access the South Bay and enjoy the bay as we did. We feared sailing and boating might be lost to us and future generations. The need to simply get a boat repaired or hauled out for maintenance was (and is) something impossible to do in the South Bay.

We saw the needs for more not less education. Access to the water is critical to understanding the fragile ecosystem of the Bay. We learned this when we served together on the board of the Marine Ecological Institute (now Marine Science Institute or MSI). We worked hard to find a way to help this great learning institution survive and thrive. Thankfully, due to the efforts of thousands of supporters, MSI has continued to meet its exceptional educational objectives. Tens of thousands of students and their parents now know the unique needs and wonders of the San Francisco Estuary because of MSI.

From the late 1980's, Mark worked tirelessly and selflessly on the Marina Project and what was to become Westpoint Harbor. MANY times, during those days I urged him to let it go. It was simply too hard to see the path towards achieving his goal. There were countless issues to resolve and massive red tape to unravel to gain needed approvals. The financial commitment would be massive and I could not see a way to navigate towards a viable venture. Mark never wavered. His vision and goal were clear: The South Bay needed the "Marina Project", otherwise we and future generations would lose access to the Bay. Future generations would never have a sense of what a quiet morning rowing, sailing or paddling on Redwood Creek means. They might never know what an estuary was and why the San Francisco Bay Estuary is vital living here. Seeing is believing. They needed to see and experience the San Francisco Bay Estuary for it to be preserved. Plus, it was fun to be on the Bay! MSI was a taste of the ecosystem and created generations who would appreciate what was going on under the water. The Marina Project would provide a way for them and their families to continue to experience and appreciate just how special this bay and estuary can be and provide a base to pass on this appreciation to others. Literally, done right, it was key to enabling the estuary to survive and thrive well into the future by creating generations of avid supporters.

Mark ALWAYS had in mind that the Marina Project was a reclamation project, not a development project. Early on he found the technology needed to reclaim what was a toxic waste site and create new pristine bay water surface area. He found a way to creatively accomplish dewatering the site and building Westpoint Harbor once approvals were obtained, in years instead of decades. He found an environmentally sensitive path to meet the needs of the environment, the estuary and future members of the Westpoint Harbor community.

Environmental concerns were always at the top of his list of critical success factors. From the reuse of fill from excavations in Redwood City to help compress the soggy mess he inherited, to providing a safe, simple & clean way to pump waste from boats in the harbor, Mark spared no expense and made no compromise. This was to be a model to be followed and emulated. He had many setbacks over several DECADES before there was water flowing into Westpoint Marina. Mark persevered. He risked literally everything he had financially to bring his dream to life. At many points it appeared hopeless and the project would not survive or be completed. Mark had success in business before Westpoint Harbor started to be built, but financial gains were mostly plowed back into the Westpoint Marina Project. He took on no debt or financial partners I know of to complete the project. He took this risky approach so he could pursue his goals without compromise or undue influence. "Do it right and do the right thing" has always been part of Mark's philosophy over the more than three decades I have known, worked and sailed with him.

Finally, late one December night in 2006, I stood with Mark at the bottom of the empty Westpoint Harbor basin. Huge excavators were pulling at the levee facing Westpoint slough. It was time. The next tide would bring the waters of San Francisco Bay and the full force of the Pacific flowing into the new harbor basin. I was excited; Mark was a wreck. Why I asked? This is what you worked for over 25 years! Mark tuned to me and confided: "This was never done before. I'm really worried it won't work. That tide may just wash all this back into the bay." Crazy I said. This was reviewed by the best engineering firms on the planet. It's been vetted by scores of agencies and their teams. This is the best marina ever conceived! Still Mark was despondent. We went to have a beer and a "last meal" before the next tide. Mark slept in his truck that night I went home.

Overnight, Westpoint Marina was "born". There was now 30 surface acres of water where a toxic dump once stood. The waters in Westpoint harbor were as tranquil as a lake. I returned at dawn. Fittingly at sunrise, it was just me and a few sandpipers admiring what Mark and his team of experts and contractors created. After the basin was full, sometime in the middle of the night, Mark was retrieved by his family. He slept the sleep of the just the next day, all day, satisfied his plan had worked! I said it was fitting Sandpipers welcomed that first day when Westpoint Harbor was "baptized" by all that water. When I first met Mark and we sailed together on his old meticulously restored classic sailboat which was of course called "Sandpiper".

Westpoint Harbor – Community

I read the requested cease and desist order as drafted with astonishment! The issues raised are not substantial and appear contrived to me after seeing the "Marina Project" conceived, built, and come to life. It was to be, and is now, an environmentally sensitive enhancement to the Westpoint Slough ecosystem and the San Francisco Bay Estuary. This was no accident. ALL agencies involved in reviewing and approving the Marina Project that became Westpoint Marina, including BDCD, helped form the plans and improved on the initial designs. This was an inclusive iterative effort that spanned DECADES!

The agencies, environmental groups and government representatives were more than just supportive of this project. Comments like "model for all" and "heroic" and "awesome project" were used to describe it. It has won awards for design and accolades from all who are now part of the Westpoint community. AND it is a diverse community! From the boaters who dock there, to the organizations that are

welcomed there to use the facility for rowing, paddling, and other competitions, to the many clubs that sail in, Westpoint Harbor is viewed now as a jewel and the best destination in the South Bay. Unfortunately, through neglect and lack of planning, investment and innovation, Westpoint Harbor has little competition for this honor. That is a shame. The South Bay is one of the most beautiful parts of this great estuary and there ought to be more ways for people to experience it. Mark has shown the way; others need to follow.

Everyone who uses this incredible facility and has been there even once, I know would remark if asked, that this is "the best marina there is on the Bay". I have heard this from seasoned sailors and long-term San Francisco Bay residents. Westpoint Harbor has been born and thrives now with no financial backing save from Mark Sanders. Still corners were not "cut" at all. In fact, you will find round corners on every finger pier, something you will not see almost anywhere else. Why? It's the "right way to do it and the right thing to do" for the users. It's certainly not the least expensive corner to build. These docks are also cement, not wood that rots in a few years. They are safe and stable. They are the best. They are not the least expensive. They are better for the environment and our personal safety.

Our community is thriving at Westpoint Harbor! Yet the facility is still a work in progress. There is much to do. The vision is even bigger than what we see built there now. There is a vitality and "can do" spirit that Mark has imbued to everyone who comes to visit or to become a longer-term member of the Westpoint Harbor community. We have an eclectic and ever-changing mix of diverse people who represent the pioneering spirit of California and the entrepreneurial spirit of Silicon Valley. It is an open welcoming community sharing their love of the water and a commitment to do the right thing to preserve this resource for future generations.

BCDC

The pending Staff actions are sapping both its limited resources and those of the Westpoint community. The "violations" Staff seeks to remedy seem minor and not significant at all to anyone who has any real experiences on the bay and at Westpoint Harbor. The effort mounted to defend Westpoint is also substantial and costly. There appears no reasonable end in sight, since there seems to be no one with authority at BCDC who wishes to reach any amicable solution. **You commissioners can remedy this injustice!**

Mark Sanders will always listen to a rational argument. If Westpoint Harbor was adversely and unduly harming the environment, and I have yet to see any evidence of these sorts of transgressions, Mark will be the first one to work aggressively to protect and defend the environment. Remember he converted a toxic dump into 30 acres of pristine bay surface water. It took DECADES of thankless effort and massive commitment of his personal financial resources to accomplish this amazing goal. What we have now is a gift to the San Francisco Estuary ecosystem to be admired, emulated and leveraged. It is instead being attacked by the very agency that has the most to gain from more projects just like Westpoint Harbor. Where else has in all of California has anything close to project's scale and vision been completed especially considering it was all done with 100% private funding?

I am convinced that Mark and the BCDC are on the same page with many of the same stated philosophies and values. Somehow, this is being missed by Staff. To make my point even more clearly, here are a few items stated publically by the Commission that also support the philosophy and activity at Westpoint Harbor:

The Commission website notes:

The Commission has been remarkably successful in achieving its mission. Before 1965, an average of about 2,300 acres of the bay were being filled each year. Now only a few acres are filled annually-all for critical water-oriented needs. Even this small loss of water area is being mitigated by opening diked areas. As a result, the Bay is now larger than it was when BCDC was established.

Westpoint's contribution to MORE not less bay surface water is well documented. It is totally in keeping with the mission of BCDC.

Another great achievement noted on that same website:

The Commission has also approved thousands of new boat berths and has required that public access be provided along 139 miles of the shoreline as part of new waterfront projects.

Again, Westpoint Harbor is part of these same "wins" for the Bay and is totally consistent with the goals of the Commission.

And one last excerpt from that website pointing out a key activity of BCDC:

...By preventing wetlands and mudflats from being filled, by encouraging restoration of degraded marshes, by supporting the continued and productive use of salt ponds...

Westpoint reclaimed a toxic site, rather than fill mudflats. It increased flow in Westpoint Slough. What could be a more productive use of a reclaimed toxic pond dump site than turning it into 30 acres of pristine surface bay water? Westpoint is a shining example of exactly what BCDC wants to achieve.

Finally, a key point which is made in the June 2017 strategic plan:

BCDC cannot fulfill its statutory responsibility to lead the Bay Area's response to rising sea level with our current level of resources and existing technologies. The success of this 2017-2020 BCDC Strategic Plan Update depends upon acquiring additional resources and expanding staff capacity.

Respectfully, what is Staff doing wasting precious resources and time and requiring huge commitment of resources by Westpoint Harbor to address small non-critical or even harmful issues related to the harbor? What damages and environmental harm has Westpoint Harbor caused? What action has Westpoint Harbor or Mark Sanders taken that is at odds with the mission and strategy of BCDC? Is this activity more critical than the important work of addressing and mitigating the impact of climate change on the San Francisco Bay Estuary? That important work is life and death for us all! Is diverting resources to the current Westpoint enforcement issues really important at all to this mission? I am baffled and have no rational answer to this obvious question.

Respectfully, it is the fiduciary responsibility of the Commissioners to answer this question now, before even more harm can be done.

Conclusion

Ironically Mark Sanders and the community of Westpoint Harbor share a vision with the BCDC. It was stated eloquently in the June 2017 strategic plan:

VISION: Be the national model for coastal management. MISSION: To protect and enhance the San Francisco Bay, and encourage the responsible and productive use of its resources for this and future generations

Westpoint Harbor is the recognized leader in how development on and near a fragile estuary can be done responsibly and successfully. It's time for the Staff of the BCDC to recognize that Westpoint Harbor is a jewel in the bay to be leveraged not disparaged and brought down. Staff ought to be spending its resources propagating the learning from the creation and operation of Westpoint Harbor so other responsible projects can be implemented. Mark Sanders deserves recognition and thanks. Instead he is being forced into an outrageously costly defense for actions completely consistent with the stated mission of the BCDC. I call on the BCDC commissions to get involved, stop this madness and work cooperatively with Mark Sanders and the Westpoint Harbor community to continue the excellent work embodied in Westpoint Harbor and extend its lessons to other projects around the bay

Thank you in advance for your consideration to this critical matter.

Bob Wilson

CEO Cinova Media

Mobile: 650 678 7359

Bobw2654@gmail.com

Bob@cinova.com

www.cinova.com

Home Address

908 Corriente Pointe Drive

Redwood City CA 94065

Subject: Experience at West Point Harbor
Date: Monday, November 13, 2017 at 8:03:42 AM Pacific Standard Time
From: Dewey Chong
To: Marc.Zepetello@bcdca.gov
CC: ReceptionDesk@BCDC
Attachments: Westpoint Harbor 110917.pdf

To Whom It May Concern:

I am current President of Ho'okahi Pu'uwai Outrigger Canoe Club (HPOCC) and writing on behalf of Westpoint Harbor in Redwood City. We stored our canoes there and practiced on the open bay waters between 2014 and 2016. Please refer to the attached letter confirming the positive experience we had when we were tenants there and confirming what a great location it is to experience the bay waters.

Regards.

Dewey Chong

President

HPOCC



A 501c non-profit organization

P.O Box 4308, Foster City, CA 94404
Tax ID #52-2136244

November 9, 2017

Experience at Westpoint Harbor, Redwood City, CA

To Whom It May Concern:

Aloha from Ho'okahi Pu'uwai (HPOCC), an outrigger canoe club based locally in Foster City. I am writing in support of Westpoint Harbor, a location our club used to store canoes and start/finish practices on the waterways between mid-2014 to early 2016. Our outrigger club had to re-locate from our site in Foster City in 2014 and was fortunate enough to find Westpoint Harbor as a practice facility. In early 2016, we were afforded to store our canoes back to our original location in Foster City and the only reason why we left Westpoint.

The harbormaster contacts on-site were very accommodating and supportive of our club storing canoes and running practices at that location, then as a private facility. We were successfully able to share the water with two other fellow outrigger clubs in Redwood City as well as dragon boaters who also rented space there. We now see further development that includes Surf 101 (single craft classes), a jogging trail, a new hangar and expansion of the harbor as a whole. It is a great location for water activities on the bay.

Our experience at Westpoint Harbor was definitely a positive experience for our outrigger club and should continue for future public access uses. Our club has found new storage facilities within Foster City but should that change in the future, Westpoint Harbor would be strongly considered to relocate there again.

Mahalo (thanks)

Dewey Chong
Club President '06 – '09, '11 – '12, '15 – '17
Ho'okahi Pu'uwai Outrigger Canoe Club
Foster City, CA
650.245.1412

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Monday, November 13, 2017 at 8:48:45 AM Pacific Standard Time

From: Karon Klipple

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Dear Enforcement Committee Members and BCDC Commissioners,

As a community member I wish to share my experience with WestPoint Harbor and particularly the access it provides to the public. Because of WestPoint's careful design and construction I am now able to enjoy portions of the bay there were previously inaccessible. Myself and other community members enjoy beautifully and meticulously maintained bay trails and access to high caliber and pristine restroom facilities. I am grateful for the opportunity that WestPoint's environmentally considerate development has made possible. I must note that these facilities far exceed, in terms of aesthetics, quality and maintenance, those available at the government operated marinas in the bay, and the public benefits tremendously as a result.

Also as a boat owner of 12 years, and someone who has maintained a boat in marinas throughout California, including several in the Bay Area, I am astounded by BCDC's allegations against WestPoint Harbor. I can say unequivocally that WestPoint is the most high quality and the most carefully maintained marina of any in the bay area and that its owner and staff operate with integrity, ensuring strict adherence to all applicable regulations.

As a tax payer, I appreciate BCDC's vigilance in protecting the environment. However, I am disturbed by their actions against WestPoint. The BCDC's allegations are inappropriate and unfounded and appear to single out the harbor by imposing restrictions that are unprecedented in other bay area marinas and that jeopardize the safety of both boat owners and their property.

I implore BCDC to carefully examine the evidence before them in WestPoint's statement of defense and in doing so consider ALL of the tax payers whom they represent.

Sincerely,

Karon Klipple, PhD

16741 Greenwood Lane

Weed, CA 96094

Subject: Westpoint Harbor Proposed Order No. CDO 2017.04
Date: Monday, November 13, 2017 at 9:32:55 AM Pacific Standard Time
From: Alexander Carrillo
To: Zeppetello, Marc@BCDC
CC: ReceptionDesk@BCDC
Attachments: Westpoint Harbor and BCDC_pdf.pdf

Good day Mr. Zeppetello,

I am a patron at Westpoint Harbor, a regular sailor who transits Westpoint Harbor, as well as a former active duty US Coast Guard officer and professional mariner. Please find my attached letter in response to Westpoint Harbor Proposed Order No. CDO 2017.04.

Thank you for your time in this matter.

Very Respectfully,
Alexander Carrillo
858.531.7433

November 13, 2017

Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Attn: Enforcement Committee Members and BCDC Commissioners

As a patron of and regular sailor who transits Westpoint Harbor, as well as a former active duty US Coast Guard officer and professional mariner, it appears that BCDC's allegations and accompanying requests 7a (installation of "no wake" buoys in the narrow channel) and 7b (placement of channel marker buoys inside the narrow channel) would unwisely require Westpoint Harbor to jeopardize the safe navigation of the adjacent waterway. Details of that assessment are below. Additionally, please find my comments regarding the high level of environmental and facilities stewardship by Westpoint Harbor management.

BCDC's request for the management at Westpoint Harbor to install additional "no wake" buoys and channel markers buoys would be infeasible given the topography and tidal swing of the narrow channel; BCDC's request would create a potential hazard to safe navigation given the proposed placement of buoys in the confined area. Channel markers (observable during the day and at night) are currently well placed and allow for safe navigation; further signage would be unnecessary and inadvisable. Of note, Westpoint Harbor went above my expectations by placing a video on their website which helps mariners safely guide themselves into the harbor.

Additionally, "no wake" signage is well placed to create a safe navigable waterway (and I have yet to observe mariners traveling at speeds above the current posted signage). If buoys were placed further inside the narrow channel, there is a high likelihood that the buoy chains would swing within the navigable waterway, and possibly foul the propulsion of unsuspecting boaters transiting the channel (as they would swing into the narrow navigable waterway). Additionally, BCDC's proposed channel marker buoy placement would likely unnecessarily compel boaters to pass within closer proximity to one another, and create another potential safety hazard for boaters. It appears that BCDC's advisements and requests are contrary to the federal guidelines of placement of aids to navigation.

As a customer of Westpoint Harbor, it is readily apparent to me that management is committed to safe navigation, environmental stewardship and that their customers abide by all local laws and ordinances. Upon meeting the staff of Westpoint Harbor in late 2015 and inquiring about mooring my vessel in their harbor, I was advised of many local ordinances regarding habitation at the harbor, as well as given a brief history of the area, environmental/site stewardship expectations. It was readily apparent that the management of this marina, above all others that I had encountered over 15 years as a mariner in the US and overseas, and has a high sense of pride in their facilities, safe boating, and high environmental stewardship.

I respectfully request that all the items I have identified above be evaluated to ensure safe navigation in the harbor. Lastly, as a taxpayer, former public servant (over 15 years) and ardent champion of clean California waterways, I would request that my tax dollars be spent of more

fruitful pursuits and not the frivolous pursuit of a well-run, well-governed, and law-abiding company.

Very Respectfully,
Alexander Carrillo

Subject: Re: Westpoint Harbor Proposed Order No. CDO 2017.04

Date: Monday, November 13, 2017 at 9:45:36 AM Pacific Standard Time

From: Graeme Tait

To: Zeppetello, Marc@BCDC

CC: ReceptionDesk@BCDC

Comments (11-11-2017) on "Westpoint Harbor Proposed Order No. CDO 2017.04"

I write as a boater of over 35 years experience, having sailed the US East Coast from Massachusetts to Florida and the US West Coast from Puget Sound to Los Angeles, plus most of the Caribbean and much of Australia, staying in many marinas along the way. But I also write as what I hope may be considered a patriotic citizen, who no more wants unreasonable and arbitrary imposition of government regulation and penalty on the governed than did the Founding Fathers of the US.

I have been a liveaboard tenant at Westpoint Harbor since 2009, so I have witnessed most of the evolution of the Harbor. In fact, I first saw it when it was no more than a pond with a few pilings installed.

As the result of many years of close observation, I have tremendous respect for the efforts of Mark Sanders in conceiving of, funding and developing Westpoint Harbor. He is a true friend of the Bay boating community who cares deeply about his marina and its environment.

I can honestly say I have never encountered anything remotely similar to the BCDC behavior in this matter, at any boating venue I have visited. I am not in a position to comprehend or address most of the arcane permitting / compliance issues raised in this matter, but reading the BCDC complaints, I am struck by the BCDC's apparent ignorance of many aspects of constructing and operating a marina facility, and of boating in general. I am also struck by the number of clearly wrong-headed, bogus, picayune and sometimes inane complaints raised, which frankly would seem to undermine whatever legitimate case the BCDC might have against Westpoint Harbor, by displaying a milieu of incompetence and gross bureaucratic excess.

Referring to the numbering on the "Summary of Violations and Proposed Administrative Civil Penalties", I will comment on a few areas where I believe I have some knowledge/competence.

Regarding item 2C, I am not aware that the tree species concerned are at all suitable for providing hunting perches for raptors. In fact, I believe raptors would totally shun them. Certainly I've never seen a raptor in any of these trees. Meantime, I just last night saw an apparently well-fed fox (picture available!) climb a tree next to me on the Pacific Shores Public Access Path. Could be it will take out a few endangered species? What is BCDC doing to suppress the abundant foxes, feral cats and other known predators in this Public Shores area? These predators may not have access to Greco Island and other water-locked areas, but they surely have complete access to the mainland area around Westpoint Harbor and the Pacific Shores Center, and all the wildlife therein.

Perhaps the BCDC could quantify the supposed risk presented by the trees in question as hypothetical hosts for raptors, and provide the credentials of their authority for asserting such risk? I would be most interested to see this information, as to my knowledge the EIR for Pacific Shores and Westpoint Harbor actually specifies the species of trees (which are planted in both areas) for the express purpose of NOT providing predator habitat!

But supposing for the moment that there is risk of providing predator habitat, why has the BCDC allowed, for a much longer period, similar trees to exist along the Public Shores area of the adjacent Pacific Shores Center, at least as close to Greco Island? And has the BCDC taken action to ensure that PG&E provide appropriate raptor deterrents for the transmission towers and transmission lines that actually *traverse* Greco Island and nearby, plus the dock structures there maintained by PG&E?

In short, why is the BCDC unfairly and unjustly singling out Westpoint Harbor for regulation/penalty here, especially when there is not even a legitimate issue with the trees involved?

Regarding items 7, I would point out that that labeling an area "No Wake" (something of an oxymoron - you can't move a boat without creating a wake) does not by any means ensure that boaters will respect that signage. What about enforcement?

The BCDC quotes (in the full complaint) the example of a ferry pictured creating an excessive wake, seemingly implying that

Westpoint Harbor is somehow responsible for this incident, by way of not providing signage.

I assume BCDC is referring to a fast catamaran ferry I have seen traversing Westpoint Slough many, many times (actually, there may have been more than one such vessel involved over a quite extended period). And I have commented to others about it generating an excessive wake in the slough. It always slowed down abruptly at the entrance to Westpoint Harbor, so as far as the authority of the marina to control its behavior applied, it was in compliance, speed-wise. But the marina has no authority over the Slough.

Here is my point: if the BCDC **really** cared about minimizing damage to the shores of Westpoint Slough, especially the fragile, quasi-riparian area of Greco Island, they could easily have identified the vessel(s) concerned, videotaped them in violation, and reported them to the relevant authorities (the operator, plus the USCG or Marine Police as appropriate). Did they? Or is their purpose just to penalize Westpoint Harbor for not placing signage that Westpoint Harbor does not even have the legal authority to install?

Let me also point out that the captain of that ferry (a vessel for hire, carrying passengers) is necessarily a USCG-licensed mariner, who would know that he is at all times responsible for any damage caused by his wake, signage or not. Irrespective of "No Wake" signs, any professional (and any competent amateur) skipper can see that the shores of Westpoint Slough are vulnerable and would keep his speed down. My own opinion is that the ferry skipper was knowingly and deliberately maintaining excessive speed through the Slough in order to keep a schedule (it's a frustratingly long traverse for an otherwise high-speed vessel, if taken at a true, no-wake speed). Having said that, I have to regard myself culpable for not myself making a complaint to appropriate authorities about this behavior. I did consider it, but somehow made the poor choice to not complain.

How about it BCDC? Do you actually care about wake damage, or do you only care about fining the innocent?

Further on item 7A, the BCDC reveal the most extraordinary ignorance of how a restricted navigational channel (Westpoint Slough) should be buoyed, especially given that this channel is shallow, with a tidal range of order the average mid-channel depth, is subject to large tidal currents, and has shoulders that are uncovered at low tide.

In the first place, buoys are never placed mid-channel. To do so would create a navigational hazard (particularly at night), and would further limit the room for passage of boats in an already narrow channel. Buoys placed mid-channel would need long chain to the anchor to be able to float at extreme high tide, and so will be poor at keeping station at low tides (i.e., they can move significantly out of position, pushed by wind, current and even the passage of vessels). Indeed, buoys set in this way tend to be dragged under by current near low tide, making them much less visible, particularly at night.

Regarding item 14, this contains an example of the picayune (nay, inane) complaint, in the form of the "two PG&E transformers in Public use area near boatyard". I'm not sure specifically which locations are referred to, but last night I walked past the installation pictured in the file entitled "Photographs from Marc Zeppetello Site Visit", which I assume is one of the offending "transformers". The switchgear pictured intrudes a massive six inches into the wide, "public path" involved. BCDC, you have to be kidding! Actually, from the picture referred to, you can barely tell it intrudes into the path. If this is a violation worthy of a fine, then I hate to think what I owe for my lifetime of similar transgressions. I mean, just yesterday, I crossed a street against a red "Don't Walk" sign, walking the dog. Mea culpa!

Further on item 14, as one of the original instigators of the vegetable garden project (no longer myself involved) I am truly stunned that BCDC could see the need to object to Mark Sanders providing the marina tenants a small space, off to the side (so to speak) to create an organic vegetable garden. The surrounding fence (if that be cause for objection) proved to be a necessity as the first, un-fenced incarnation of the garden was devastated by jackrabbits and other voracious local vegetarian predators.

And heaven knows, that fence/garden is performing a sterling duty by providing a required "visual barrier to the adjacent salt pond" (see item 8). I guess that under the BCDC, you are damned if you do and damned if you don't!

Seriously, have we got so absurdly regulated that we can't try to operate a community garden to grow some healthy produce on a small, otherwise unused part of the marina? And that we get fined for doing so? This is truly bureaucracy run amok!

Regarding item 19, the BCDC apparently does not understand or willfully ignores the design of Westpoint Harbor.

Every slip on docks A thru H is a potential liveaboard slip, because holding tank pumpout facilities are available at every such slip. Liveaboards come and go, just like house owners/renters do - or they change their status from liveaboard to non-liveaboard (and vice versa). A given boat signed up for a liveaboard lease can move from one slip to another, and I have known quite a few longer-term liveaboards to change their slip (sometimes more than once) for reasons of personal preference for a different location in the marina, or following acquisition of a larger boat necessitating a larger slip, etc.

In the light of this, which should surely have been obvious to the BCDC if they understood the specific marina design and the nature of liveaboard slip leases, what **exactly** do they expect Westpoint Harbor to do by way of liveaboard slip reporting? Report every time a liveaboard boat moves slip, or ceases to have a liveaboard lease, and report every new liveaboard lease? This would be many, many reports a year! And to what end? A report of all liveaboard slips at any given point in time would probably be wrong by the time the BCDC got around to reading it (if they ever did).

As far as I can see, the only legitimate interest BCDC could have in the case of Westpoint Harbor is in knowing that the marina is in compliance with the requirement (as I understand it), that no more than 10% of allowed slips can be occupied by liveaboards. Surely a simple, legally-enforceable declaration to this effect by the Harbor would suffice. Anything more is just silly bureaucratic nonsense under the circumstances described.

So unsupportable are the BCDC assertions on the above several matters, that it is hard to avoid the assertion of "Falsus in uno, falsus in omnibus", and call their whole complaint into question.

Finally, a general comment on the apparent BCDC public access requirements to marina facilities (docks and Harbor House bathrooms). I seriously question whether any of the BCDC members are actually boaters or use marina facilities in the light of some of the complaint text. As a boater, I most definitely do not want unrestricted public access to the dock where my boat is moored, whether I am a permanent tenant of a marina or a transient (e.g., occupying a berth on a "public dock"). I know of no other marina where public access would even be contemplated.

First of all, it is the nature of boats and the way they are typically configured that there is much equipment above decks vulnerable to theft. For example, dinghys, outboards, liferafts, personal watercraft, some electronics, lines, fenders, etc., etc. I absolutely don't want the general public roaming the docks around my boat, especially at night - it only takes one bad apple. For example, during the development of Westpoint Harbor (after the initial phase of dock installation), one night there was a massive theft of copper wire from new docks under construction adjacent to where my boat was moored. Also, one does not generally lock one's boat for a short absence, e.g., to visit the Harbor House.

Secondly, it is hardly appropriate to have inexperienced people (especially minors and unsupervised young children) able to wander the docks, if only because of risk of drowning and potential electrical hazards.

Regarding the Harbor House, in my recollection, the bathroom facilities have been generally accessible for most of the history of the marina during the day. There have been times when access has been limited to key fob holders, sometimes just at night or sometimes at all times, but with a "guest" key fob always available from the Harbormaster during hours. I cannot conceive of why anyone would want the restrooms to be 24x7 publicly accessible. This is simply an invitation to vagrants and homeless (there are a number of such to be found at any given time in the Seaport Blvd area), or worse (sexual predators, say). Name me a local municipality which provides 24x7 open-access, unsupervised, public restrooms.

Sincerely,
Graeme Tait
S/V Sula, Westpoint Harbor, Redwood City